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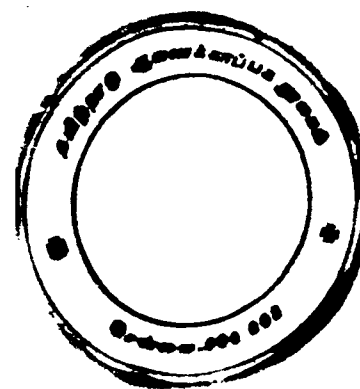
PROCEEDINGS

OF THE

CONFERENCE OF COLLECTORS

HELD AT

OOTACAMUND.



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AUGUST 1915.

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**OFFICERS INVITED TO BE PRESENT AT THE CONFERENCE
OF COLLECTORS AT OOTACAMUND FROM 23RD TO 28TH
AUGUST 1915.**

1. The Hon'ble Mr. R. B. Clegg, I.C.S., Commissioner of Land Revenue.
2. The Hon'ble Mr. N. S. Brodie, I.C.S., Commissioner of Salt, Abkari and Separate Revenue.
3. The Hon'ble Mr. L. E. Buckley, I.C.S., Commissioner of Revenue Settlement.
4. The Hon'ble Mr. H. F. W. Gillman, I.C.S., Commissioner of Land Revenue and Forests.
5. Diwan Bahadur R. Ramachandra Rao Avargal, Collector of Nellore.
6. Muhammad Aziz-ud-din Husain Sahib Bahadur, Khan Bahadur, I.S.O., Collector of South Arcot.
7. Mr. A. R. Cumming, I.C.S., Collector of Coimbatore.
8. Mr. M. Young, I.C.S., Collector of the Nilgiris.
9. Mr. N. E. Marjoribanks, I.C.S., Collector of Guntur.
10. Mr. N. Macmichael, I.C.S., Collector of Ganjam.
11. Mr. R. B. Wood, I.C.S., Collector of Tanjore.
12. Mr. A. R. Banerji, C.I.E., I.C.S., Collector of Cuddapah.
13. Mr. J. M. Turing, I.C.S., Collector of Kistna.
14. Mr. H. L. Braidwood, I.C.S., Collector of Chittoor.
15. Mr. G. F. Paddison, I.C.S., Collector of Madura.
16. Mr. A. F. G. Moscardi, I.C.S., Collector of Bellary.
17. Mr. C. A. Innes, I.C.S., Collector of Malabar.
18. Mr. F. R. Hemingway, I.C.S., Collector of Tinnevely.

**PROVISIONAL PROGRAMME OF TOPICS FOR DISCUSSION AT THE
COLLECTORS' CONFERENCE, 1915.**

[NOTE.—Items printed in capital letters are subjects the discussion relating to which will be formally opened by the Collector concerned. In other cases there will be no formal opening.]

Monday, the 23rd August 1915.

Subjects.	Initiated by
1. RELIEF TO COLLECTORS	Mr. R. B. Wood.
2. Selection of personal assistants to Collectors	Mr. Aziz-ud-din Sahib.
3. Termination of deputy collectors' probation	"
4. Vernacular tests of deputy collectors	"
5. Training and transfer of junior officers and improvement of their knowledge of the vernaculars.	Mr. A. F. G. Moscardi.
6. Use of horses by revenue officers	Mr. H. L. Braidwood.
7. Daily allowance of tahsildars and deputy tahsildars ...	Mr. Aziz-ud-din Sahib.
8. Collectors' printing press	Mr. R. B. Wood.

Tuesday, the 24th August 1915.

9. COLLECTORS AND DISTRICT FOREST OFFICERS.	Mr. F. R. Hemingway.
10. WORKING OF THE DIFFERENTIAL WATER-RATE SYSTEM.	Mr. N. Macmichael.
11. SIMPLIFICATION OF JAMABANDI	Mr. J. M. Turing.

Wednesday, the 25th August 1915.

12. SYSTEM OF APPOINTING VILLAGE OFFICERS.	Mr. J. M. Turing.
13. Tahsildars' powers with regard to village staff ...	Mr. H. L. Braidwood.
14. WORKING OF THE MADRAS ESTATES LAND ACT, 1908.	Mr. N. Macmichael.
15. Possibility of improving the Madras Survey and Boundaries Act, 1897.	Mr. R. B. Wood.
16. Survey and regular lines in municipalities	"
17. Village house-site survey	"

Thursday, the 26th August 1915.

18. Reversion of village-site to Government [and assessment of backyards].	Mr. R. B. Wood.
19. Improvement of rural sanitation	Mr. H. L. Braidwood.
20. Non-official presidents and vice-presidents of district and taluk boards.	Mr. R. B. Wood.
21. Constitution of district and taluk boards	Mr. C. A. Innes.
22. Maintenance of inter-district roads ... ..	.....
23. Education and local boards	Mr. H. L. Braidwood.

Friday, the 27th August 1915.

24. POLICE RE-ALLOCATION SCHEME	Mr. C. A. Innes.
25. District Magistrates and criminal administration ...	.....
26. Provision of land for the settlement of criminal tribes.	.....
27. Railway terminal tax	Mr. R. B. Wood.
28. Collector and the Public Works Department	Mr. A. R. Banerji.
29. Routine returns and reports	"
30. Collector and the recruitment and control of sub-magistrates.	"
31. Corruption among sub-magistrates	Mr. F. R. Hemingway
32. The district confidential baraward (register of subordinates).	Mr. A. R. Banerji.

SECRETARIAT NOTES ON SUBJECTS FOR DISCUSSION
AT THE COLLECTORS' CONFERENCE, 1915.

[In so far as the Secretariat notes in this collection of papers embody criticisms as distinguished from historical matter, it must be understood that such criticisms are merely intended to facilitate discussion and must not be regarded as representing the views of Government.]

Subject 1.—RELIEF TO COLLECTORS.

Mr. R. B. Wood's note is couched in the following terms :—

I divide my subject into seven main heads, viz. :—

- (1) Meaning of the phrase "in closer touch with his district" ?
- (2) Is there a vast amount of routine which Collectors could be usefully relieved of ?
- (3) Difficulties of getting rid of the above routine work.
- (4) The proper use of the personal assistant is based on the key note "responsibility".
- (5) Close inter-working of the Collector and the personal assistant is essential.
- (6) Comparative advantages of personal assistant and additional district magistrate.
- (7) The ideal arrangement for a heavy district would be an additional district magistrate and a huzur deputy collector.

2. *Meaning of the phrase "in closer touch with his district"*.—With reference to the necessity of enabling the Collector to keep "in closer touch with his district"—

(a) by relieving him of unnecessary routine

(b) by the employment of a personal assistant—

I believe that there is a lot of cant in the phrase, and that it is used to discredit Collectors in comparison with the Collectors of the "good old times" which never existed.

Does it mean that a Collector should go to native parties, musical entertainments, school shows, and other miscellaneous functions: spend days out shooting in the villages: and come into personal contact with the people as much as possible, remaining in ignorance of the office subjects and files of papers except the most important ones ?

3. *Is there a vast amount of routine which Collectors could be usefully relieved of ?*

I divide routine work into three heads :—

A. Files which are routine from beginning to end, or at least which deal with subjects of which the principles are so clear and well known that they may be considered to be routine.

B. Files which may at any time rise above routine. These overlap with A.

C. Files which are absolutely easy and pure routine, but which the Collector or the District Magistrate alone is competent to pass orders on under the law.

Prominent instances are treasure trove cases, criminal revision cases, income-tax cases, water-rate and encroachment appeals, village officers' appeals. These are the cases, especially those under the Criminal Procedure Code and the Income-tax Act, which weigh heaviest.

4. *Difficulties of getting rid of the above routine work.*—Of the above, the first need not go to the Collector at all: the second usually should go to him, if they are to be kept straight: the third can only be taken from him by a change in the Acts, but if this could be done it would give immense relief.

The advantage of the additional district magistrate is that he can take the Criminal Procedure Code cases.

As the Collector must take all the non-routine work, most of the subjects which give files under B, and all the routine work under C, it is obvious that it is exceedingly difficult to give a personal assistant his fair share of work.

5. *The proper use of the personal assistant is based on the key note "responsibility".—It is waste of time to make him a superior sarishtadar and further this tends to demoralize the sarishtadar.*

6. *Close inter-working of the Collector and the personal assistant is essential.—For this reason especially, I prefer the additional district magistrate.*

7. *Comparative advantages of personal assistant and additional district magistrate.—The additional district magistrate can take Criminal Procedure Code work: and, having the same social customs and education as the Collector (I assume they are of the same race), they work naturally more easily and with more identity of outlook. He deals with sub-magistrates and with district board work better than the personal assistant does, and with more authority.*

The personal assistant is likely to strengthen the working of the office, but often only at the expense of the sarishtadar, who sinks to the position of a head clerk.

The personal assistant is probably more amenable to orders than an additional district magistrate.

The additional district magistrate is much more liable to constant shifting.

This last point is the real objection to this officer. He must of course be somewhat senior as he is in authority over the other divisional officers in the district: and this means that the additional district magistrate's post is merely a short stepping stone to that of Collector or Judge. The only remedy is to give him Collector's or Judge's pay whenever a junior is promoted to act in those grades: as was done in Mr. Vibert's case at Madura.

8. *The ideal arrangement for a heavy district would be an additional district magistrate and a huzur deputy collector, the latter to take charge of the office, take routine files in the Collector's subjects, look after the establishment, and the appointment of clerks (on strict principles laid down by the Collector, of course), to take over any special work or enquiry in the district, and to aid other divisional officers when their case work is exceptionally heavy, as is constantly happening. The excessive work of divisional officers is probably almost as serious a question as that of Collector.*

Could not first-class tahsildar-magistrates be appointed, one for every two divisional officers, to relieve them of much of their case work and work under the Madras Estates Land Act, 1908?

9. *I attach for reference Schedules A and B showing the division of the Tanjore district work between the personal assistant or additional district magistrate and myself.*

Schedule A.

(Subjects disposed of by Collector.)

Revenue and village officers' appeals.	Training of assistant collectors.
Irrigation disputes.	Survey schools.
Zamindaris—sub-division, sale and transfer.	Tour return of divisional officers.
Treasure trove.	Encroachments.
Construction and repair of private tanks and jungle streams.	Survey and land records.
Escheats.	Land revenue D.C.B. review.
Endowments.	Treasury inspection.
Proposal for the revision of establishment under Act II of 1894.	Alienation of Government lands.
Annual jamabandi.	Transfer of villages from one taluk to another.
Annual land revenue administration report.	Court of Wards and estates.
Cowles.	Movements of troops and travellers.
Forests.	Report on emigration and immigration.
Mining and quarrying.	Return of suits tried by village munsifs.
Agriculture and industries.	Municipal correspondence.
Remission of land revenue.	Plague.
Correspondence relating to Act I of 1908, co-operative credit societies, prices and famine.	Income-tax.
Government suits and pauper suits.	Abkari and customs.
Attached estates.	Salt.
Leave, appointments, etc., of public servants.	Port and marine.
Conduct of public servants.	First-class magistrates' calendars and judgments.
	Revenue business statements.
	Agency papers.

Local board side.

Irrigation.	Administration report.
Buildings costing over Rs. 2,000.	Railways.
Bridges.	All important references to Government.
Appointments.	Anything of special importance and any question of general principle.
Budget.	

Schedule B.

(Subjects disposed of by Headquarters Sub-Collector.)

Weights and measures.	Rain gauges.
Review of the results of inspection of taluk records by divisional officers.	Correspondence relating to village officers' special test.
Darkhasts.	Archæology and preservation of ancient monuments.
Stamp refunds.	Correspondence relating to supply of stationery, destruction of wild animals.
Disposal of house sites.	Return of Christian burial-grounds.
Disposal of tank-bed lands.	Return of trigonometrical stations.
Transfer of pattas.	Sanitary and medical (anything special to be shown to Collector).
Transfer of dry to wet and vice versa, poramboke.	Census.
Cattle diseases.	Travelling allowance.
Village and taluk accounts.	Routes.
Vaccination.	Abkari returns of accounts.
Pension.	Petty construction and repair of buildings under the control of the Collector.
Landed property statements.	Minor irrigation.
Peons, leave and appointments.	Bungalows and public buildings.
Review of the diaries of revenue inspectors with the register of remarks.	Second-class magistrates' calendars and judgments. (Any second-class cases that ought to be dealt with by any order under the Criminal Procedure Code should be submitted to the District Magistrate.)
Return of fines imposed on village officers.	Magisterial correspondence. (It is left to the discretion of the headquarters sub-collector to decide whether a certain correspondence is important or not. The papers which are so considered to be important from an administrative point of view should be submitted to the District Magistrate.)
Land acquisition, including railways.	Periodical examination of the registers of the magisterial branch.
Loans.	N.B.—All magisterial cases and appeals to be heard by the District Magistrate.
Inams and connected questions.	
Irrecoverable arrears of land revenue.	
Budget estimate, irrigation revenue.	
Land revenue refunds.	
Land-cess.	
Beriz deduction.	
Ferry and fishery rents.	
Vital statistics.	
Monthly cultivation statements.	
Statement of irrigation and rainfall.	
Land revenue D.C.B. statement.	
Budget land revenue receipts and land-cess.	
Miscellaneous treasury correspondence.	
Process service.	
Return of rail-borne trade.	

Local board side.

All district board work except the items shown under schedule A.

Secretariat note.

In connection with a recent examination of the question of improving the working of the district office system it was considered that head-quarters sub-collectors who could be appointed as additional district magistrates and who would relieve the Collector of all magisterial work were necessary in very heavy districts and that in moderately heavy districts the appointment of personal assistant deputy collectors would be sufficient. The ideal put forward was that in all but the lightest districts there should be a head-quarters deputy collector who could be put on to do particular cases or could be put in charge of divisions when the divisional officer was engaged in a heavy case. At that time head-quarters sub-collectors had been sanctioned for Kistna, Malabar and Tanjore, and a personal assistant deputy collector for Tinnevely. On a further consideration of the question the Government as an instalment of progress sanctioned the appointment of personal assistant deputy collectors in ten other districts—G.O. No. 2836, Revenue, dated 30th September 1914. The objects of the appointment of personal assistant deputy collectors were to relieve the treasury deputy collector of the miscellaneous work which he does when the Collector is on tour, to take routine work off Collector's shoulders and to provide assistance for the disposal of special work when necessary.

2. Mr. Wood in paragraph 3 of his note perhaps overlooks the second clause of section 3 of the Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828, which, as amended by section 4 of the Madras Deputy Collectors

Act, 1914, gives Collectors authority to delegate to their personal assistants "any of the powers granted to them by any regulation now in force or that may hereafter be enacted."

3. A cardinal feature of the system of personal assistants is the discretion given to Collectors to employ these officers as they think fit; the method of employment, it is thought, must vary with the personal equations of the Collector and his assistant.

4. Paragraph 8 of Mr. Wood's note refers to the connected topic of the need for relief to divisional officers especially when over-burdened by judicial work. So far as concerns magisterial work, the District Magistrate can sometimes give relief by the exercise of his statutory power to transfer cases from the file of one magistrate to that of another. With regard to rent suits under the Madras Estates Land Act, 1908, Government have frequently recognized the need for additional help and there are usually at least two or three deputy collectors employed on special duty of this character.

Subject 2.—SELECTION OF PERSONAL ASSISTANTS TO COLLECTORS.

Mr. Aziz-ud-din's proposal is that "in districts where appointments of personal assistants have been sanctioned, the Collector should have full discretion to choose for the appointment any one of the deputy collectors on general duties posted by Government to his district." He states the reasons for the proposal in the following terms:—

As far as I can see there is no reason why a personal assistant deputy collector should be on a different footing from the other general duty deputy collectors in the same district. Under Board's Standing Order No. 119 Collectors are competent to transfer deputy collectors on general duty from one division to another within their districts. A similar privilege may be conceded to them in regard to their personal assistants. The Collector has the best opportunity of judging, having regard to local circumstances, which of the deputy collectors in the district is most competent to be his personal assistant. Cases might arise where, for some reason or other, a personal assistant posted to a district is not quite suitable as a personal assistant but might make a good officer in charge of a division. For effecting the necessary change the Collector has, under present conditions, to report to Government against the personal assistant, which entails not only unnecessary correspondence but is likely to cast an unnecessary slur on the officer concerned. All this can be avoided by decentralizing this power and giving the Collector the liberty of treating his personal assistant as one of his general duty deputy collectors.

Secretariat note.

Under paragraph 6 of Board's Standing Order No. 119 Collectors have power to transfer deputy collectors on general duty from one divisional charge to another, but except to meet temporary emergencies they may not make any change in the treasury charge without the sanction of Government. The post of personal assistant has hitherto been treated in the same way as that of treasury deputy collector. The incumbent has been selected by Government with reference to special considerations indicating his fitness for the post, which requires qualifications other than those possessed by the average divisional officer and not always to be found among the officers on general duty within one district. Selection from a wider range is therefore indicated, and as Collectors are themselves liable to transfer it is perhaps wiser that greater continuity in the appointment of personal assistant should be ensured by retaining the posting in the hands of Government, who have a wider knowledge of the *personnel* of the Provincial Civil Service than any junior Collector can possess. It may be added that when in G.O. No. 2836, Revenue, dated 30th September 1914, the creation of ten personal assistants was sanctioned, the Collectors of the districts concerned were expressly asked whether they desired the services of any particular officer in that capacity. Finally, it is always open to a Collector to make representations to Government with regard to the posting of deputy collectors and such representations are certain to receive careful consideration, though it may not always be practicable to meet the Collector's wishes.

Subject 3.—TERMINATION OF DEPUTY COLLECTORS' PROBATION.

Mr. Aziz-ud-din's specific proposal is that "before a deputy collector on probation is reverted to his former appointment as tahsildar, etc., or before the probation is otherwise ceased, he must be given a warning as to what he is deficient in and an opportunity to rectify himself, if necessary, by placing him under a Collector other than the one who made the first report against him."

The grounds for this proposal are stated in the following terms :—

1. An officer appointed to be deputy collector is entrusted with responsible executive and judicial functions. He cannot be expected to discharge these satisfactorily and with the necessary amount of independence, if he has the fear always before him that the particular Collector, under whom he serves, has the power to get him reverted, without his being allowed even an opportunity of knowing what there is against him and of either explaining or rectifying it.

2. There is a rule in Bengal—*vide* correspondence embodied in Government Endorsement No. 1331/E-13-1, Revenue, dated 6th June 1913—which requires that all officers shall be informed of unfavourable comments in reports of superior officers. There is no reason for denying this privilege to the officers in this Presidency.

3. Unless the officer condemned knows the defect for which he has been found fault with, he cannot possibly endeavour to reform himself. It is undesirable to keep him in this state of ignorance having regard to the recently enunciated policy of the Government of India that an officer once condemned should not be condemned for ever. As matters now stand, when a condemned officer is transferred or is relegated to his former post, even the Collector of the district to which he is transferred or in which he is reverted to his former post is not apprised of the shortcomings which led to the condemnation of the officer concerned. The result is that the Collector is not in a position to watch the subordinate concerned with regard to his particular failing and to find out whether he has remedied his drawback.

Secretariat note.

The procedure commended is in practice frequently adopted by Government and instances can readily be cited of warnings to officers considered wanting in specified respects, of special arrangements to secure the opinion of a second Collector and of retrials of deputy collectors once reverted as unfit. But it seems clearly inexpedient to lay down any hard and fast rule on the subject. When the Bengal rule which Mr. Aziz-ud-din cites was considered by the Madras Government at the instance of the Secretary of State, the conclusion arrived at in G.O. No. 250, Public, dated 2nd March 1914, was as follows :—

It should be left to the discretion of the authority receiving a report to communicate the whole or a portion or the substance of it to the officer to whom it applies. An inflexible rule requiring the communication of all unfavourable remarks would be to the detriment of administrative efficiency.

In these circumstances each case should, it is thought, be dealt with on its merits. A warning and a further opinion are alike superfluous, if the officer whose fitness for the post of deputy collector is in question has been guilty of acts or omissions which, in the opinion of Government, clearly show him to be below the standard of capacity and integrity required of members of the Provincial Civil Service.

Subject 4.—VERNACULAR TESTS OF DEPUTY COLLECTORS.

Mr. Aziz-ud-din Sahib's views on this subject are stated in the following note:—

The rule requiring the passing of the vernacular test in two languages as a condition precedent to the appointment as deputy collector of an officer already in service may be done away with; the old rule requiring him to pass it before confirmation and within a period of about two years deserves to be restored.

In Board's Proceedings Mis. (Confidential) No. 2654-C 130, dated 17th July 1912, Collectors have been asked not to recommend persons who have not passed both tests for inclusion in the list of deputy collectors.

2. An officer who serves as tahsildar in a district whose vernacular is his mother tongue has hardly any facilities for qualifying himself in a second vernacular. A language is best learnt by the officer being posted to a district where it is the vernacular.

3. Indian Civil Service officers, deputy collectors directly recruited and district munsifs are not required to satisfy this condition before appointment. There is no reason why officers already in service who are of proved merit and ability should not be similarly appointed. The old rule, as far as my knowledge goes, did not cause any inconvenience either to the public or to the State. As a rule, the officers concerned were able to pass the examination in the second vernacular within the prescribed time and if there were any exceptions, they were few and far between.

4. The enforcement of the rule prevents a Collector from recommending deserving officers serving under him who qualify themselves in every respect except this.

5. A zealous and hard-working tahsildar especially in charge of a heavy taluk does not find time to read for the second language tests, whereas a junior tahsildar in charge of a light taluk or one whose sense of duty to his work is indifferent is able to get through the test with ease. It is unfair that the promotion of the former should be denied or delayed because of his failure to pass the language test.

Secretariat note.

The rule to which Mr. Aziz-ud-din takes exception, viz., that the vernacular tests must be passed *before* appointment to the post of deputy collector, was introduced by G.O. No. 949, Public, dated 13th October 1910. The old rule had led to constant requests for exemption and where, as was often the case, the grounds put forward were insufficient, the consequence was supersession or reversion. The change in the rules was made for the express purpose of obviating the discussion of such requests and the discontent caused by their refusal. It is now well understood that candidates for the post of deputy collector must qualify in two languages before they can hope to be appointed; and, so far as the information available in the Secretariat goes, the new rule works smoothly and has given no valid ground for complaint. Having been in force for five years the rule is well understood and operates as an inducement to revenue officers to obtain the prescribed language qualification before they reach the higher grades in the rank of tahsildar.

As a minor criticism it may be observed that district munsifs are required to pass the third-class vernacular test in one language before appointment, unless they have graduated in a vernacular.

Subject 5.—TRAINING AND TRANSFER OF JUNIOR OFFICERS AND IMPROVEMENT
OF THEIR KNOWLEDGE OF THE VERNACULARS.

Mr. Moscardi's views are indicated in the following notes :—

Meaning of getting into touch with district? Not only knowing what is printed in the gazetteer or acquaintance with prominent vakils at headquarters. District, from the point of view of revenue officer, means the people who pay the land revenue. Getting into touch with them involves two things: (i) long residence in district; (ii) ability to speak to them. Thus I arrive at the necessity for less transfer and better training.

2. Training at present not practical—what is the use of examination in whole of criminal and revenue law?—does any one presume to know the books?—any one acting on such presumption must be constant nuisance to Government.—Fact is, all work is done with books.—With more experience, work gets easier, but books never dispensed with.

3. One thing cannot be picked up by experience, viz., the language.—Who wants the language as much as we do? Only missionaries—these how trained?—importance of our officers being able to talk—uselessness to people of deaf and dumb officer—useful to people means useful to Government. But a man can pass examinations without ability to converse and can converse without passing examinations—this wrong—missionary scheme right scheme for us. One language, five hours a day for one year and nothing else—teacher to be paid by Government.

If any examinations necessary, then only in speaking and reading manuscripts; no need for us to write anything. No need to select people with odd vulgar speech—the ordinary speech of the farmers is the right speech for us.

4 If an officer required to learn a second language, he should be put off all duty to learn it for a year five hours a day—higher standard in second language is now sheer waste of time and trouble, mere purposeless annoyance, utterly fruitless.

5. If any examination in books required, a course of six months might be allowed and examinations held in ability to find the place.

6. Practical training in field work cannot begin till officer can talk. Having done the training as in paragraphs 3 and 5 he should then go round with selected revenue inspector for six months. This would give him a grounding in field work that he would never forget. This sort of training is almost useless if done with an interpreter.

7. After this training, officer would be ready to take charge of division, and to get in touch with any division in which his language was spoken. If then transferred to division with strange language, officer useless until he has got his training as above in new language.

8. But why transferred? Two languages cover whole Presidency except Malabar, Canara and Bellary. Occasional transfers of men from West Coast no doubt necessary owing to climate—for this, Canara to Bellary quite sufficient change of climate without change of language; only difficulty Malabar. Apparently every Malabar officer must know one other language;—this not necessary in case of any other district.

9. Why should officer be almost sure to go to fresh district on return from leave?—no answer imaginable by me—presume some reason—if so, why not to some district of which he knows the languages.

10. Feel myself on controversial ground but impossible to proceed, because quite incapable of imagining opposing arguments.—Think perhaps exception may be taken to idea that officer without language is useless—by this I mean useless as representative of Government in face of ryots.—Ryots think that Collector is Sirkar—even vakils cannot persuade them that this is not true. Now, to people who think that, what is use of Collector who can neither hear nor answer?—Danger also that Collector's righthand man may be bigger man in district than Collector—seen this happen.

11. Again, about transfers, reason why officer should not serve continually in same or similar district, not known to me—advantages obvious—presume disadvantages preponderate, but mind quite blank on this—must wait to form opinion till advantages of transfer system made clear to me.

The following note on the same subject has been received from Mr. Hemingway :—

I hold rather strong views about the knowledge of the vernaculars possessed by the members of our service. I should say that with few exceptions we not only speak the vernaculars badly but speak them very badly indeed. And as most of us are men of at least average intelligence I put this down entirely to the insufficiency of our early training. I am inclined to think,

speaking generally, we simply have not got the chance of learning the vernaculars properly. A man has ordinarily about 15 months of comparatively free time before he is put in charge of the division and even this 15 months is occupied with survey training, treasury training and various other forms of training in administrative work. He has also got to acquire a very considerable knowledge of revenue and criminal law and rules. In my opinion this time is absolutely inadequate for a man to acquire a decent knowledge of a vernacular language, much less two. And after a man is placed in charge of a division he cannot, without very great risk of overworking himself, devote any time to vernacular studies. It is almost a cruelty to expect a man to work for an examination while in charge of a division. Yet this is a very common experience. On the other hand it is not desirable that we should keep a young civilian in leading strings and without responsibility for any very long period at the commencement of his service. Moreover, I believe that it would be actually difficult to fill up the divisions if a longer period were allowed to elapse before young civilians commence to act as divisional officers.

2. The solution seems to me to be, I would go so far as to say, the complete abolition of all examinations whatever, except the vernacular ones. This would probably give a man time to learn his vernaculars before going into a division. And on the other hand I do not consider that these examinations are of any particular value. Most of us before we have served many years have forgotten most of what we once knew by heart and retain only a very general recollection of revenue and criminal codes and of the standing orders. Our clerks and assistants are experts in the routine of revenue and criminal work and no Collector or divisional officer would pass an order in a doubtful case of procedure without looking up the order or the law concerned. I believe in practice it could be found that no loss of efficiency whatever would result from the change I propose.

Secretariat note.

Paragraphs 2 to 12 of this note deal with paragraphs 1 to 7 of Mr. Moscardi's remarks and the supplemental expression of Mr. Hemingway's views, the general issue being the *training* of junior civilians. Paragraph 13 contains further remarks regarding the training of civilians and deputy collectors in survey and settlement. Paragraphs 14 to 22 relate to the question of transfers of officers with special reference to their linguistic qualifications (*vide* paragraphs 8 to 11 of Mr. Moscardi's remarks).

2. *Reduction in the number of books to be studied for examinations.*—A list of Acts and books that should engage the attention of junior civilians studying for the lower and higher standards is embodied in rule 30 of the Indian Civil Service Manual. The question of reducing the list was examined in 1897-98. It was admitted that the list was a formidable one, but it was not considered desirable to reduce it as the category served at any rate to call the attention of the officers to the existence of the Acts in question, of which they might otherwise be ignorant. If a reduction is now thought desirable, the omission of the Acts and Regulations numbered (1), (3), (4), (5), (9), (10), (13), (14), (18), (19), (20) under Division B lower standard and (1), (3), (11), (14), (17), (18), (19), (20), (22), (23), (24), (25), (26), (29), (34), (40), (43), (45), (46), (52), (53) and (56) under Division C Lower and Higher Standards may be considered. The rules have recently been revised in certain other respects and a Government order on the subject is now under issue. The serial numbers quoted above are taken from the list embodied in that order.

3. *Abolition of examinations without books.*—From 1864 onwards the rules have provided for two classes of papers—one set with books and the other without. The number of Acts and Regulations prescribed for the latter was reduced in 1898 on the recommendations of Mr. Meyer and the Board of Revenue. In 1903 the Board proposed the total abolition of examinations without books in order to give more time for study of the vernaculars, but Government decided to maintain the former practice, prescribing the lists which now find place in rules 20 and 25 of the Manual.

4. *Total abolition of the examinations in subjects other than the vernaculars.*—This is a new proposal. In paragraph 6 of the Indian Civil Service Manual it is pointed out that it is imperatively necessary that junior civilians should study the laws bearing immediately upon their revenue duties in all branches to fit them for the proper discharge of the work which will devolve upon them; further, an exceptionally thorough knowledge of criminal law and the law of evidence is clearly required by a magistrate to prevent grave mischief. An examination is the only way of testing such knowledge. The rule that the grant of increased pay to junior civilians depends on their passing the standard examinations in subjects other than the vernaculars is not peculiar to this Presidency. The examination in accounts is prescribed for all provinces by the Government of India.

5. *Training in the first language.*—The defective knowledge of the vernaculars on the part of the latter day civilian has repeatedly attracted the attention of Government and has been discussed at great length. The causes assigned may be briefly summarized as follows:—the greater age at which civilians come out to India and their disinclination in consequence to go to school again; the shortening of their probation in England, which was the time in which they formerly received a proper grounding in the grammar; the absence of good munshis in the districts; the inability of Collectors to give up time to their training; transfers; the spread of the knowledge of English among the natives of the country; the increase in the number of subjects other than the vernaculars that have to be studied; and the fact that a pass in all subjects was necessary before an increase of pay could be drawn. A variety of remedies have been discussed, of which the most important, such as the extension of the probation or the opening of a training college in India, have been referred to by the Public Services Commission. It may be mentioned in passing that the study of the vernaculars has been made part of the college course for police officers at Vellore. Meanwhile it has been generally recognized that the matter ultimately depends on the men themselves. The rules and orders are full of precepts. It is for the Collectors and their assistants to put these into practice. The adoption of the missionary programme, which includes three years spent in training, would afford a remedy for only a few of the defects in the present arrangements and would take up so much time that it would necessitate an increase in the cadre.

6. The following extracts from the discussions of 1902-1904 may be of interest. The Board (Board's Proceedings No. 135, dated 17th July 1903) recommended that—

(i) as soon as an assistant can decipher vernacular writing and until he has passed the second standard in the vernacular, he should be required on every working day to translate into English, without any further assistance than that afforded by dictionary and grammar, at least two foolscap pages of the vernacular papers received by the Collector such as petitions, crime reports, inquests, charge sheets and similar police reports. The translation should be seen and corrected, if necessary, by the sarishtadar or the English head clerk and submitted from time to time to the Collector.

(ii) Assistants should try their cases without the help of clerks, a clerk being present, however, to prevent obvious mistakes and consequent miscarriage of justice. There can be no better practice in translation than reading over to witnesses in the vernacular depositions recorded in English.

(iii) Unpassed assistants should be required to read regularly the principal vernacular newspaper of the district and make translations for the Collector of such portions of it as may be worthy of his attention.

(iv) Assistant collectors should be kept as much as possible in camp away from the English influences of headquarter station. They should be within reach of the divisional officers and placed successively in charge, first of a village, then of a revenue inspector's range, and possibly, if it can be arranged, of a police station. While an assistant collector is in charge of a village, every report made by him should be in the vernacular.

The Government added (in G.O. No. 321, Public, dated 7th April 1904):—

All Collectors will be specially requested to remember that for the first two years of a civilian's career, the study of the vernaculars is a matter of primary importance. In the half-yearly report on assistant collectors, each Collector should note what steps he has taken to ensure that his assistants pay a proper attention to this matter. The Government have no desire to fetter a Collector's discretion as to the work to be assigned to his assistant; an assistant, if he chooses, can turn every duty given to him by the Collector into a means of improving his vernacular knowledge. One way in which a Collector can help his assistants is by securing for them good munshis; the Government have reason to believe that this important matter is receiving less attention than it deserves, and Collectors will be requested to control their assistants in this regard.

7. As a result of the discussions of 1913 and 1914 it has been decided to abolish the examination in the second language and to amend the rules as shown in a Government Order now under issue. The amended rules require a correspondingly higher standard in the one language in which the assistant collector is examined.

8. *Abolition of the written portion of the test.*—The question whether the written part of the test in the vernaculars should be abolished came under the consideration of Government in 1904 and also in 1914. The Board of Revenue was opposed to the proposal on both occasions and it was decided to retain the test for the following reasons:—

(i) it is only by a written examination that a candidate's ability in a language can be properly tested;

(ii) a candidate cannot speak a language grammatically and idiomatically and have an accurate knowledge of it, if he cannot also write it; and

(iii) vocabulary, idiom and grammar are as necessary for correct conversation as for correct writing, and an officer's knowledge of these can be better tested by a written than by an oral examination.

9. *Speech of the farmers sufficient.*—The Government have held a different view. The Indian Civil Service Manual lays down that a candidate for the higher standard should give proof of his ability to converse politely and grammatically with educated Indians. This is advisable not only as a matter of courtesy, but also because the lack of such ability seriously hampers intercourse between the officers of Government and Indian gentlemen who possess no knowledge of English.

10. *Examination in second language.*—This test has been abolished as a result of the orders passed in G.O. No. 1317, Public, dated 11th October 1914.

11. *Practical training.*—The instructions for the practical training of junior civilians are contained in Section II of the Indian Civil Service Manual. Mr. Moscardi considers that the training at present given is not practical. In paragraph 5 of its Proceedings No. 135, dated 17th July 1903, the Board expressed the opinion that the course laid down in the manual was as good as any that could be devised. The Government concurred in this view—*vide* paragraph 2 of G.O. No. 321, Public, dated 12th April 1914. The real difficulty is that the instructions are not always adhered to in practice; for instance, an assistant is frequently not kept in charge of one or more villages near the headquarters of the district for the prescribed period of three months and the order which commends the keeping of diaries by officers under training is believed to be generally unknown.

12. *Time allowed for training.*—An examination of the record of civilians who arrived between 1910 and 1913 shows that on the average they were 20½ months in the country before they were posted to charge of divisions. Out of this period the present rules require them to spend seven weeks in the treasury and four weeks in survey training, which leaves them a balance of nearly 18 months. As stated in paragraph 13 *infra*, the Survey Committee have recommended an extended course of training in survey and land records work, but at a later stage in the officer's service and in combination with a substantive charge.

13. In G.O. No. 1946, Revenue, dated 6th July 1914, the Government approved the replacement of the present system of instruction in survey for one month prescribed for both junior civilians and deputy collectors by a revised course of training in survey and settlement covering a period of two months. While the question of amending the Indian Civil Service Manual and Board's Standing Orders with reference to the order quoted was under consideration, the Survey Committee recommended a more elaborate course lasting for six months for the junior civilians. The Board was requested to report on this recommendation and has informally intimated dissent from the Committee's views and asked leave to postpone the submission of its final report until practical experience has been gained of the result of the first course of combined instruction in survey and settlement to be conducted in August, September and October 1915 in accordance with G.O. No. 1946, Revenue, dated 6th July 1914.

14. The points taken in paragraphs 8 to 11 of Mr. Moscardi's notes are:—

(i) that there is no necessity to transfer officers from one district to another on language grounds, except in the case of officers in South Canara and Malabar;

(ii) that it is not clear why an officer, on return from leave, should in all certainty go to a fresh district, and that, if there is any reason for it, he might be sent to some district of which he knows the language; and

(iii) that officers should serve in the same or similar district continually, unless there are any disadvantages for that course.

15. On the subject of the frequency of transfers of officers from one district to another the Government of India passed the following observations in a Home Department resolution (Nos. 224-240; dated 25th January 1901), published in 1901:—

The Governor-General in Council has had for some time under his consideration the question of the frequent transfer from one charge to another of officers employed in the different branches of the civil administration. The extent to which the members of the different civil

departments have been transferred in recent years is universally recognized to be detrimental to the proper discharge of public duties in every branch of the administration. The evil effects of frequent transfers are, however, especially manifest in the case of the chief civil officer of the district, who is the direct representative of the Government in the eye of the community. Continuity in the charge is most essential to the proper administration of a district in India, since a district officer's influence must in the main depend upon the extent to which he is known and trusted by the people.

It is an inherent condition of the different services in India that transfers of officers should be more frequent than is desirable in the interests of the administration. The number of European officers in the administrative services is limited to strict working requirements. Every time that leave is given, on every occasion on which a promotion is made, and in every instance in which an officer retires, a vacancy is created. It is impossible, therefore, to prevent transfers; the utmost that can be done is to reduce their frequency as much as possible.

The resolution further indicated expressly certain principles the application of which should secure some reduction in the frequency of transfers.

16. In 1909 the subject attracted the attention of the Decentralization Commission, from whose report the following extracts are in point:—

(650) We received overwhelming evidence as to the frequency with which officers of Government are transferred from one appointment to another, and as regards the mischievous effects of such transfers. Collectors, for instance, are often moved before they can have gained any but a most elementary acquaintance with their districts, and the fact that officers follow one another in rapid succession must necessarily throw power into the hands of office clerks and subordinates. Further, it is impossible to expect that free communication will exist between Government officers and the people in their districts when they do not get time to become acquainted with one another. When, too, as is often the case, different languages are spoken in different parts of the same province, it is most unlikely that an officer frequently transferred can obtain full proficiency in any of the local vernaculars, and a further barrier is thus placed between him and the great mass of the population.

(651) The principal causes leading to these transfers are briefly:—

- (i) The taking of leave, which must necessarily be allowed on a liberal scale in the case of services recruited largely from Europe.
- (ii) The weight given to seniority in filling up officiating appointments.
- (iii) The differences between districts, which often necessitate the removal of an officer from a light to a heavy charge or *vice versa*.
- (iv) The necessity of selecting district officers for employment at headquarters or on special duty.
- (v) The tendency to accede to the requests of officers to be moved from districts for personal reasons.

(652) The conditions of Indian Service necessitate a considerable number of transfers, but the fact that this is so makes it all the more desirable not to add to the number unnecessarily. The constant transfers of officers throughout India attracted the attention of Lord Curzon's Government in 1900-01, and they took action in the following directions to minimize this evil:—

- (i) The leave rules were modified so that leave might be taken at less frequent intervals and for individually longer periods.
- (ii) Stricter observance was enjoined of the principle that leave could not be claimed as of right, and of the rules governing the lien of absent officers upon appointments.
- (iii) Transfers were not to be allowed merely to meet the private wishes of officers.
- (iv) The practice of giving acting promotions by mere seniority was condemned.
- (v) Privilege leave vacancies were to be filled as far as possible by officers on the spot.

The instructions then issued had, no doubt, a wholesome effect, and it was claimed on behalf of the Governments of Madras, the United Provinces, Burma and the Punjab, that transfers are now less frequent than they were formerly. They are, however, still far too numerous, and we cannot help thinking that the evils attendant upon the constant moving of district officers have not been adequately recognized in the provincial secretariats.

(653) We consider that measures on the following lines would, if generally and firmly applied, afford material mitigation of the present evils:—

- (i) Officiating appointments in the place of officers absent on leave, or on other duty, should be made locally far more than is the case at present. The Government of India have already laid down, as a general principle, that mere privilege leave vacancies (and more particularly those not extending beyond six weeks) should ordinarily be filled by an officer from the

same station or district, and, if necessary, by the appointment of a "Provincial" officer to fill a post usually reserved to a member of the Indian Civil Service. In the Central Provinces we were told that this principle was already applied in the case of vacancies up to three months, and various witnesses desired to make this practice one of general application elsewhere, while others were prepared to extend to six months the officiating period to which such conditions should apply.

We are strongly in favour of this larger application: and it should be remembered that if a relatively senior officer should at one time suffer by the enforcement of such a rule, he would probably gain, or have gained, by it at another period of his service.

(654) In the case of vacancies likely to last for more than six months, greater attention must necessarily be paid to the claims of seniority, but even here, when it is a question as between men of not very unequal service, preference should be given to one who knows something of the district in which the appointment arises.

(655) (ii) An officer returning from long leave has necessarily to be provided with a post suitable to his standing, but we consider that such an officer should have a claim only to an appointment covered by his permanent rank, and should not displace a junior officer who may be acting in a higher appointment. This principle is indeed already recognized in the United Provinces, where an officer who is not a permanent Collector is now not allowed, on return from leave, to oust a junior who may be officiating in charge of a district. It was suggested in Bombay that an officer should be thus temporarily superseded only by one of approximately equal standing, but we do not think it necessary to hamper the application of the principle in this way.

Here, again, an officer who may lose by such a rule at one period of his service, will probably gain at another.

(656) (iii) As we have already indicated, the present leave rules should be rendered more elastic, so that officers should be given leave when it best suited the Government to spare them. The principle that no officer is entitled to leave as of right is already laid down, but the rigid character of the present rules results occasionally in unnecessary changes of appointment.

17. The foregoing passages of the Commission's report elicited the following criticisms from the Government of India:—

In paragraphs 650-664 of their report the Commission commented upon the disadvantages attaching to frequent transfers and indicated the remedies which they considered should be adopted. The general conclusion at which they arrived was that transfers were still far too numerous and that the evils attendant upon them are inadequately recognized in provincial secretariats. While they fully agree with the Commission as to the ill effects of unnecessary transfers, the Government of India are not prepared to endorse the view that the importance of the matter is not already admitted and they are satisfied that Local Governments are endeavouring to minimize the various difficulties inherent in the system of Indian administration which militate against securing that degree of continuity of control which is desirable. They are already acted upon to a large extent, it is impossible to embody them in hard and fast rules. For instance, however desirable, it is not always practicable to make arrangements which will ensure that vacancies of not more than six months' duration shall be filled locally. Local Governments are already authorized to appoint officers of the Provincial Service to posts reserved that extent facilitated, but the Government of India would hesitate to embark upon a general system of reserves such as is indicated in paragraph 660 of the report and can only deal with the circumstances of each cadre as they arise. In fairness to the services an absolute rule that officers on return from leave shall not be allowed to displace their juniors officiating in higher posts could scarcely be prescribed, though the Government of India are disposed to agree that the principle might be more frequently acted upon than is at present the case. The revision of the leave rules is under separate consideration, while the principle of compensatory local allowances are not disposed to endorse it as a method of avoiding transfers and in any case would reserve a decision for any specific proposals which might be made towards that end. To sum up, therefore, while the Government of India do not propose to issue further orders in respect of this portion of the report, they think that the discussion of the subject by the Commission may well be borne in mind by all concerned.

18. While the principles thus laid down by the Government of India are always borne in mind and as far as possible acted upon in transferring officers, it does not appear practicable to permit an officer to remain *continually in the same district* as Mr. Moscardi would almost seem to suggest. It would be easy, however, to cite recent examples of the principle of appointing officers in the same district to act in short vacancies, and where a long chain of transfers is directed the underlying reasons are ordinarily based on *public grounds* and the postings do not depend merely upon the personal wishes of individual officers.

19. As regards transfers of officers on language grounds, the following list shows the recognized vernaculars of districts:—

Districts.	Vernaculars.	Districts.	Vernaculars.
South Arcot ...	Tamil.	Nilgiris ...	Tamil and Malayalam.
Trichinopoly ...		Gōdāvari ...	
Tanjore ...		Kistna ...	
Madura ...		Guntūr ...	Telugu.
Rāmnād ...		Nellore ...	
Tinnevely ...	Tamil and Telugu.	Cuddapah ...	
Chingleput ...		Kurnool ...	Telugu and Uriya.
North Arcot ...		Ganjam ...	
Chittoor ...		Vizagapatam ...	
Salem ...		Bellary ...	Telugu and Canarese.
Madras ...	Tamil and Canarese.	Anantapur ...	
Coimbatore ...		South Canara ...	Canarese.
		Malabar ...	Malayalam.

In consequence of these manifold differences in the district vernaculars it is impossible to prevent the transfer of officers from one language area to another. And in the case of junior civilians the rules promulgated in G.O. No. 1317, Public, dated 11th October 1914 (paragraph 3), expressly direct such transfer after an officer has passed the higher standard in the language of his district, the object being to give him an opportunity of acquiring knowledge of a second language.

20. In the case of officers of the Provincial service a knowledge of two vernaculars is prescribed. There are about equal numbers of Telugu and Tamil charges but of late vacancies have been more frequent in Telugu than in Tamil districts; and while the supply of deputy collectors qualified by language for Tamil charges is more than equal to the demand, this has not been the case with regard to Telugu vacancies. To meet this difficulty it has recently been laid down in G.O. No. 3357, Revenue, dated 19th November 1914, that a deputy collector whose mother-tongue is not Malayalam but who has passed in that language as one of his two obligatory vernaculars shall, in future, "unless specially excused by Government, be required on being posted to a district, in the vernacular of which he has not passed, to pass the third-class test in the vernacular of such district and will be ineligible for grade promotion until he has done so." This special rule arose out of the growing preference shown by Tamil deputy collectors for Malayalam as the second language in their departmental examinations.

21. As regards officers returning from leave, their posting is regulated so as to minimize the number of transfers and their lingual attainments are taken into consideration. Further, inasmuch as officers have no lien on any particular district or division, it is not necessary that every officer rejoining after furlough should return to the district from which he proceeded on leave.

22. To sum up, the importance of a knowledge of the language is always recognized and always borne in mind when making postings.

The inadvisability of frequent transfers is also fully recognized but it is easier to declaim against them than to avoid them and there are reasons which go to support the view that a certain amount of shifting about is sometimes desirable.

A man may be too long in a district both for himself and for the district. He becomes a one district man with no experience of the questions which affect other parts of the Presidency; the district after a time would be all the better for a little new blood, for every man will have particular directions in which he works most keenly and will comparatively neglect the other aspects of the administration.

Nor is it possible to concede the accuracy of the proposition that every officer is *almost sure* to go to another district after return from leave. This is true only if the leave has been long and the officer himself had been long in his former district before going on leave. That he *generally* goes to another district is itself a consequence of the effort to avoid transfers. He goes where there is a vacancy, if possible within the same language area.

Subject 6.—USE OF HORSES BY REVENUE OFFICERS.

Mr. Braidwood states his views on the subject in the following terms :—

Under Board's Standing Order No. 125, paragraph 4 (Volume I, page 226), district officers from tahsildars upwards have to keep and maintain at least one serviceable riding horse or pony.

The rule, as it stands, does not compel them to use the horse. It is notorious that some officers never ride. Some of them keep a useless horse (commonly called a "T.A. horse"). Others, especially tahsildars, keep none and escape liability by pretending to own or pretending to purchase one if the omission is noticed.

It is suggested that the rule ought to be revised so as to compel the officers covered by it to make a practice of riding or should be altogether rescinded. A vague rule of this kind, which can be evaded, is only demoralizing.

2. The present tendency of revenue officers, *i.e.*, Collectors and divisional officers, is to use motor cars rather than horses. This is encouraged by Government by the grant of advances to Collectors for the purchase of cars. A proposal has recently been made to extend this concession to divisional officers. It is doubtful whether this tendency is not against the public interest.

3. The use of horses is not encouraged at all. Advances are not obtainable for their purchase. If it is considered desirable to encourage the use of horses, such advances might be given.

4. Also the stringency of the interpretation of Article 1000 of the Civil Service Regulations regarding trainage of horses might be relaxed. At present trainage of horses in the district cannot be drawn except to *save time* (*vide* also Board's Standing Order, Volume II, page 415). The rules consider only the supposed interest of the public; they do not consider the safety of the horses. Collectors should be authorized to rail their horses any distance over 20 miles at their discretion and to pass similar claims received from their subordinates.

5. In selecting sub-collectors for promotion to the executive or judicial branches, respectively, emphasis might be laid on physical fitness and ability to ride (which largely go together) as an important qualification for the former. No sub-collector who does not ride habitually should be allowed to choose the executive line, though he might of course be put into it if Government considered him fit for it in spite of this disability or if the number of riders otherwise fit were insufficient.

6. If Government considers the encouragement of riding desirable, the encouragement of motoring can be stopped: (i) by not giving advances for the purchase of motors, (ii) by not allowing mileage for journeys made by motor. (Officers whose charges are larger than a district might of course be encouraged to purchase motors.)

Secretariat note.

*Regular use of horses (paragraphs 1 and 5 of Mr. Braidwood's note).—*It is the case, as Mr. Braidwood points out, that there is no device to enforce the use of horses by those revenue officers who are by rule required to keep and maintain serviceable riding horses. In this respect tahsildars and deputy collectors are in the same position as members of the Indian Civil Service though they stand on a different footing with regard to the nature of the test in equitation.

The civilian officer is examined in riding before he comes to India and if he fails to reach the prescribed standard of proficiency is subjected to a further test on arrival in the country. In paragraph 2 of the Indian Civil Service Manual it is laid down that "this further examination must be a thoroughly practical one and no officer will be considered to have qualified who does not satisfactorily prove that he "is at home on horseback and can cover a fairly rough bit of country without "difficulty." An officer who fails to satisfy the Board of Equitation may be required to attend the Body-guard Riding School for a month, and if he then again fails, must present himself at the half-yearly examination until he obtains a certificate of qualification.

In the case of deputy collectors the test as laid down in clause (6) of rule XII of the rules for admission to the Madras Provincial Civil Service (published in pursuance of G.O. No. 694, Public, dated 29th June 1911) prescribed "ability to ride eight miles in the hour on an ordinary country cart-track without unduly distressing the rider himself or his horse"; and until 1914 the examination was conducted by the Equitation Board at Madras. In G.O. No. 1450, Revenue, dated 26th November 1913, the conduct of the examination was transferred to district committees consisting of the Collector and two other gazetted officers and the severity of the test, previously carried out as a rule upon body-guard horses and under conditions not familiar to the average candidate, was materially reduced by the prescription of the following revised condition:—

The candidate will be required to supply his own horse and saddlery or to borrow them and will accompany the committee on a cross-country ride of not less than five miles, such as would be taken in visiting villages on duty. He will not be required to gallop or jump or to exceed a pace of six miles an hour, but must satisfy the committee of his ability to ride sufficiently well for the purpose of the test.

These alterations in the nature of the examination were the result of a special report submitted by a President of the Equitation Board (Mr. W. O. Horne), who was at once an experienced district officer and himself an accomplished horseman.

There is no longer any periodical examination or record of the horses and saddlery maintained by revenue officers. Elaborate rules formerly enforced on this subject were cancelled in G.O. No. 661, Revenue, dated 27th September 1899, which also forms the basis of the paragraph of Board's Standing Order No. 125 which Mr. Braidwood cites at the beginning of his note. Periodical inspections by superior officers appear to be made in the case of salt and abkari subordinates under Chapter XXXV of the Salt Manual, but if a similar rule were applied to land revenue officers it could hardly have the effect of forcing a man to use horses who prefers to travel by bullock-cart and do his inspections on foot.

A rule of long standing, dating from 1894 and modified so as to make it somewhat more effective in G.O. No. 1598, Revenue, dated 3rd June 1914, lays down, however, that in making selection for the post of tahsildar "the character and qualifications of two candidates being more or less equal, a candidate who habitually rides should be preferred to another who does not, even though the latter may be the senior in service".

As to the posting of civilian officers to the executive or judicial branch, to which Mr. Braidwood refers in paragraph 5 of his note, the present practice is to consult junior officers demi-officially as to their wishes but no special stress is laid upon the qualifications of horsemanship. Officers whose inclinations are sedentary will generally, it is thought, gravitate to the judicial branch of their own accord.

2. *Grant of advances for purchase of motor cars (paragraphs 2 and 6 of Mr. Braidwood's note).*—The Board of Revenue held in 1909 that the possession of motor cars by Collectors and District Magistrates would be an advantage in the discharge of their duties. As regards officers whose duties require them to visit villages or tracts off main roads where no motor cars can go—in this category revenue divisional officers were included—the Board considered that they should not be placed under the temptation to rush about too quickly without camp through the taluks or districts in their charge. The Government accepted these views of the Board; since then advances for purchase of motor cars have been granted freely to Collectors, but refused to revenue divisional officers. The question of granting advances to divisional officers is however now under separate consideration, a special report on the subject having been received from the Board. Mr. Braidwood's suggestion is that advances for motor cars should be given only to officers having charges larger than a district. This proposition is contrary to the view hitherto held by the Board and acted on by Government.

3. *Advances for purchase of horses (paragraph 3 of Mr. Braidwood's note).*—The statement that advances are not obtainable for the purchase of horses is not quite accurate. The grant of advances to newly arrived civilians for the purchase of camp equipage and other necessary equipment has been already recognized by Government (*vide* paragraph 3 of the Indian Civil Service Manual). Junior civilians are eligible to draw these advances on application to the Accountant-General and though horses are not specifically mentioned in this rule, they are included under "equipage".

Prior to 1911 advances to purchase horses were sanctioned by Government to officers such as statutory civilians and newly arrived probationary Assistant Superintendents of Police. In that year, however, the Accountant-General objected to such advances on the ground that they were "unusual" within the meaning of article 116 of the Civil Account Code. The sanction of the Government of India had therefore to be obtained in two cases and this Government in 1912 asked the Government of India for general power to sanction advances for purchase of horses, tents, etc., and other advances necessary in public interests. The Government of India in January 1913 replied that they saw no objection to the delegation sought and that such delegation required the sanction of the Secretary of State, and would be obtained in due course. No further communication from the Government of India on the subject has yet been received. It is proposed to send a reminder requesting that orders may be expedited.

4. *Application of Article 1000 of the Civil Service Regulations (paragraph 4 of Mr. Braidwood's note).*—The stringency in the application of this rule is due to special restrictions which have been laid down by the Government of India with regard to the concessions permitted by the article. This is the origin of the rulings in clauses (4), (5) and (7) on pages 154–155 of the Madras Supplement to the Civil Service Regulations, the main purport of which is that the railing of the horse must be "in the interests of the public service". It is the case that the *safety of the horses* is not considered in settling claims under Article 1000. To take this aspect of the case into consideration for the purpose of deciding a claim under the article would be opposed to the orders of the Government of India, who have ruled that the main criterion to be observed in each instance is the *public interest* and not the *personal convenience* of the officer concerned.

As regards the proposal that Collectors should be authorized to rail their horses any distance over 20 miles at their discretion, the present rule as laid down in G.O. No. 272, Financial, dated 26th March 1897, is that Article 1000 shall not be applied to cases where, except in special emergencies, an officer sends his horses by rail on a journey of *less than 30 miles* to or from headquarters. The limit of 30 miles was fixed by Government on the considerations that in the case of short journeys it is generally only an officer's private convenience which leads him to take his horses with him by train rather than despatch them a day or two beforehand by road and that in these cases any extra cost rightly falls on the officer himself.

With regard to the suggestion that Collectors should be authorized to pass claims under Article 1000, it may be observed that at present this power has been delegated only to selected heads of departments, viz., the Board of Revenue, the Chief Engineer, Public Works Department, Superintending Engineers, the Inspector-General of Police and the Director of Survey.

As to Article 1000 of the Civil Service Regulations, it does not seem likely that the rule that "interests of the public service" only may be considered will be altered. This phrase is said to "include" the economy of an officer's time but, applying economy of time in its widest sense, it seems not unreasonable to say that "interests of the public service" and "economy of time" are synonymous.

Consideration might, it is thought, be given to the proposals to reduce the 30 mile limit to 20 miles and to authorize Collectors to pass claims under Article 1000. District officers no doubt would welcome an order empowering them generally to send horses by rail out to, and back from, a camp where they will require them in the ordinary course of duty without any question whether economy of time has thus been secured, but such an order would probably not be accepted by the Government of India.

5. *Withdrawal of the grant of mileage for journeys by motor car (paragraph 6 of Mr. Braidwood's note).*—Journeys by motor car fall under the following three classes:—

(i) Journeys by motor car between places connected by railway: In these cases, the Government of India's orders are that only the travelling allowance admissible for railway journeys should be given, and not mileage, unless the road journey serves some public interests, e.g., saving public time, inspection work *en route*, etc. This restriction appears to be a sufficient safeguard.

(ii) Journeys between places connected by a motor car service open to the public on hire: In these cases mileage allowance up to a limit of twice the fare is admissible under Article 1034 (b)—and these rates do not seem to call for any modification.

(iii) Journeys by motor car between other places not connected by railway, etc: In these cases ordinary rates of travelling allowance can be drawn.

When the Government of India in 1905 proposed in the case of journeys by motor car to reduce the travelling allowance admissible to one-half the mileage rates, the Board of Revenue objected on the grounds (a) that the main expense of an officer travelling by road does not consist in transporting himself, but in carrying his baggage, servants and camp equipment when necessary and that the use of a motor cannot materially—if at all—reduce the expenditure on these accounts and (b) that the special rates of mileage for revenue officers in Article 1036 (a) of the Civil Service Regulations were fixed with reference not to the cost of the transport of the officer himself but to the cost of carrying equipment and baggage: the substitution of motor car for horses did not therefore affect the data on which the special rates were based. This Government in replying to the Government of India agreed with the Board of Revenue and while deprecating the reductions proposed suggested that reduced rates would be sufficient in two exceptional cases, namely, (i) when the officer makes a journey of over 20 miles in a day either from headquarters or from his camp and returns to the same place within 24 hours; and (ii) when he himself travels by a route other and longer than that taken by his camp. This suggestion was not accepted by the Government of India, who ruled in 1911, that the existing practice as regards the grant of travelling allowance at full mileage rates to officers travelling on duty in their own motor cars should be maintained. The only restriction now imposed is that embodied in paragraph 3 of G.O. No. 364, Financial, dated 24th July 1911, in which this Government have directed controlling officers to see that the rule in regard to grant of full mileage for motor car journeys is not abused by the taking of rapid journeys over long distances made otherwise than in public interests.

Subject 7.—DAILY ALLOWANCE OF TAHSILDARS AND DEPUTY TAHSILDARS.

Mr. Aziz-ud-din's proposal is that "the daily allowance of tahsildars should be raised to Rs. 2 and that of deputy tahsildars to Rs. 1½". The grounds of this recommendation are set out in the following memorandum:—

The daily allowance of tahsildars should be raised to Rs. 2 and that of deputy tahsildars to Rs. 1-8-0.

	RS.	A.	P.
(a) Assistant inspectors (Salt and Abkari), pay from Rs. 125 to Rs. 175	...	...	get 3 0 0
(b) A forest range officer on Rs. 150	...	...	gets 2 0 0
(c) Postal inspectors (pay Rs. 60 and upwards)	...	...	get 2 0 0
(d) Public Works Department supervisors	...	...	get 2 0 0
(e) Public Works Department overseers	...	...	get 1 8 0

2. Tahsildars are certainly of better status than every one of the officers in the above list and deputy tahsildars do not deserve to be treated on a lower level than Public Works Department overseers.

3. The tahsildars of the present day are, as a rule, graduates of the local University. Although they are primarily intended to attend to their revenue duties, yet as a matter of fact every piece of legislation has been adding to their work and every department has been indenting on their services. Some of the extra duties performed by them for other departments are detailed below:—

(a) *Abkari Department—*

- (i) They assist the abkari officers in the conduct of abkari sales.
 - (ii) They have to make enquiries and certify to the solvency of large number of successful bidders.
 - (iii) They select sites for abkari shops and issue licenses.
 - (iv) They make all the collections pertaining to abkari revenue.
 - (v) They have to re-sell abkari, etc., shops when necessary.
 - (vi) They maintain abkari accounts in their offices.
- In fact they do everything except the detection and prevention of abkari crimes.

(b) *Income-tax work.*—Almost all the duties connected with this branch of administration have to be performed by tahsildars.

(c) *Forests.*—The tahsildars have to collect a good portion of the forest revenue and to protect unreserved forests and report and prosecute offences under section 26 of the Forest Act. They maintain forest revenue accounts, etc.

(d) *Local Funds.*—They attend to sanitary precautions during festivals and on the outbreak of epidemics. They are entrusted with the execution of a large number of minor sanitary works, etc.

(e) *Public Works Department—*

(i) They protect Imperial tanks when they are exposed to danger during monsoons and help Public Works Department officers with coolies, etc., when there are breaches in Imperial tanks.

(ii) They make enquiries in connection with irrigation disputes and furnish facts and figures for irrigation projects.

(iii) They make all land acquisition enquiries in connection with such projects except when special officers are appointed on special occasions.

(f) *Railways—*

(i) They watch railway-affecting tanks and help in the protection of railway lines and in the closure of breaches when they occur.

(ii) They make land acquisition enquiries for railways, etc.

(g) *Post and Telegraph Department—*

(i) They make enquiries about the solvency of postmasters.

(ii) They find houses for locating post offices.

(iii) They have to inquire about and report on the solvency of the sureties furnished by the postal subordinates, etc.

(h) *Agricultural Department—*

(i) They furnish statistics to the agricultural department.

(ii) They have to persuade ryots to adopt improved methods of agriculture and to popularise suggestions made by agricultural experts, etc.

(i) *Veterinary Department*—

- (i) They help the veterinary superintendent or his inspector in combating cattle diseases.
- (ii) They have to superintend cattle fairs and festivals, etc., and prevent the outbreak of cattle diseases.

(j) *Touring*—They have to secure conveyances intended for touring officers of all departments, etc.

(k) *Police Department*—

(i) They exercise supervision over the village talaiyaris in the prevention of crimes in villages.

(ii) They have to report on every gun license application besides performing duties connected with their office as taluk magistrates.

All these miscellaneous extra duties have to be attended to by them in addition and without prejudice to their legitimate work connected with the land revenue administration, and it is primarily on their assistance that Government has to count during distress caused by floods, famine and war.

4. I have now put in a service of nearly thirty-three years and I must confess I have not come across any class of officers under Government who are as hardworked as the tahsildars. Yet their salaries are by no means liberal and the travelling allowance allowed to them is so scanty that their expense on travelling consumes a portion of their salary. As will be seen from paragraph 1 *supra*, they get travelling allowance equivalent to only one-third of what is allowed to an assistant inspector of salt and abkari. If a tahsildar travels ten miles on any day, he has to pay for the cartage of his samans alone at annas 3 per mile or Rs. 1-14-0. He has also to maintain or hire a carriage for his own use and to employ a cook for camp purposes. The travelling allowance of one rupee allowed to him is thus demonstrably insufficient to meet his actual expenses.

Secretariat note.

The question of an increase in the travelling allowance of tahsildars was raised at an informal conference held on the 19th February 1915 by His Excellency the Governor with the revenue officers of the South Arcot district and also formed the subject of an interpellation at the Legislative Council meeting held on the 29th March last. In that connection an examination was made to ascertain the probable cost of treating tahsildars as second-class officers eligible under Articles 1002 and 1063 of the Civil Service Regulations to draw daily allowances at the rate of four annas for every Rs. 25 of their pay, i.e., at rates ranging from Rs. 1½ to Rs. 2½ in lieu of their present daily allowance of one rupee. The estimate arrived at was an additional annual cost of a little over half a lakh. It was pointed out that deputy tahsildars whose present allowance is twelve annas per diem would inevitably ask for similar treatment and that the grant of the concession to them would involve a further outlay of Rs. 35,000. The aggregate additional outlay in issue being some Rs. 86,000 per annum, it was considered impossible to initiate any action in the matter at a season of such financial stress as the present.

It should be added —

(i) that the correspondence relating to the emoluments of these classes of officers refers explicitly to their pay as being fixed so as to provide for charges incidental to frequent locomotion;

(ii) that so recently as 1912 an expenditure of about a lakh a year was incurred on raising the grade pay of deputy tahsildars from Rs. 100 and Rs. 120 to Rs. 125 and Rs. 150 respectively; and

(iii) that as appears from item 12 of Appendix 20 to the Civil Service Regulations it is the exception in other Provinces for tahsildars and deputy tahsildars to receive daily allowance and in those exceptional cases the allowance is usually limited to one rupee.

The financial objections to Mr. Aziz-ud-din's proposal are thus of considerable weight.

Subject 8.—COLLECTORS' PRINTING PRESS.

Mr. Wood's criticisms are couched in the following terms :—

The rules regarding the Collector's printing press are far too stringent, and seriously interfere with district work. There are many temporary and special forms, the printing of which would save a great deal of office labour and time, but time has to be wasted in making out a case for the approval of the Board.

Personally, I do not understand how it can be considered waste of time or money to print a set of special forms in an hour, instead of spending a day typing or lithographing them : and as the printing establishment is permanent, no extra money is actually spent.

Secretariat note.

In November 1905 the Superintendent, Government Press, brought to the notice of Government, that unnecessary expenditure was being incurred on the supply of forms, and he remarked that stock forms, forms in type in Madras, forms of which more than 500 copies are required and forms of which less than 50 are wanted were often set up and printed in the district presses, contrary to the instructions in paragraph 21 of the District Press Manual. The Superintendent of Stationery also considered that the supply of collectorate forms of local application should be brought under some sort of control.

In G.O. No. 158, Financial, dated the 28th February 1906, the Government appointed a committee to consider and report upon the arrangements for the printing and supply of forms to public offices in this Presidency.

2. The committee recommended that forms used in revenue offices should for the future be obtained solely through the Superintendent of Stationery, and not printed at district presses, or obtained by direct indent from the Superintendent, Government Press.

In the case of *temporary forms*—that is, forms coming under the heads of plague, famine and similar subjects—the necessity for the use of which cannot be foreseen at the time of the annual indent, any more than the period during which they will continue can be predicted—the committee recommended that such forms should be kept in stock in some central office for supply to any office upon emergency. The recommendation was accepted in G.O. No. 401, Financial, dated 15th September 1910 and these forms are now supplied only on special indents.

3. The present rules relating to the supply of forms are embodied in the Madras Stationery Manual (rules 96 *et seq.*). In the case of collectorates the following are the general prescriptions :—

(i) The forms in the standardized list shall be obtained on indent from the Superintendent of Stationery, and shall on no account be printed at a district press.

(ii) No form not included in the list of standardized forms shall be printed at a district press without the sanction of the Board of Revenue.

(iii) No form not included in the list of standardized forms shall be printed unless at least 50 copies of it are required per annum.

4. Mr. Wood considers that there are many *temporary* and *special* forms, the printing of which would save a great deal of office labour and time, were it not for the waste of time involved in making out a case for the approval of the Board.

Temporary forms, it may be replied, will ordinarily be needed not only for one particular district but for other districts as well : hence, the advantage of the existing practice of printing at the Government Press, Madras, which obviates the setting up of the same form at several places.

Special forms—i.e., forms required only for a particular district—are probably not very numerous, and if the necessity for printing them can be foreseen—which

should usually be the case—there should, it is thought, be no great difficulty in obtaining the sanction of the Board to their standardization, in which case they will be printed as a matter of course at the Government Press, Madras.

5. In this view of the case the difficulty complained of would seem to be reduced to the case of “special forms” the necessity for which cannot be foreseen. Such cases are presumably rare and hardly seem to warrant a revision of the rules laid down in pursuance of the recommendations of the committee appointed in 1906, especially as the main ground of complaint is merely that “time has to be wasted in making out a case for the approval of the Board.” This essential preliminary incidentally furnishes an economical check the value of which is not negligible.

Subject 9.—COLLECTORS AND DISTRICT FOREST OFFICERS.

Mr. Hemingway's proposal is “to modify the relations between the Collector and the District Forest Officer so as to bring them more into harmony with the relations between the District Magistrate and the District Superintendent of Police.”

He explains the grounds of this proposal in the following words :—

As things are at present the Collector deals with or purports to deal with a great many matters which are purely forestry and little if at all connected with the general administration. In many cases the Collector signs long reports on forest matters which are entirely the work of his District Forest Officer. This has, I think, two unfortunate effects. Firstly, the Collector's work is increased by having to understand and assimilate a great deal of matter in which he has no particular interest and in which there is no need that he should be interested. The addition to his work in a district like Coimbatore on this account is very considerable. In the second place the system has a discouraging effect on the District Forest Officer, who is, in form at any rate, not responsible for a great deal of his own work and, in form at any rate, receives no manner of credit for it. I know some of our best forest officers have the greatest dislike to this system.

2. I am not prepared with definite proposals as to which of the functions of the District Forest Officer should be considered merely departmental and which should be considered to relate to general administration and therefore to demand the Collector's personal interference, but in any case I am inclined to think that all communications issuing from a forest office should be signed by the forest officer and if they have to be dealt with by the Collector at all should be dealt with by him separately. It could be generally understood, as is the case between the police and the District Magistrate, that, supposing there was a conflict of opinion between the forest officer and the Collector about any matter of forest administration affecting the public, the Collector's will should prevail until the orders of some superior authority had been obtained.

Secretariat note.

Mr. Hemingway's proposal involves radical changes in the existing system of district forest administration, which is based on sections 4 and 221 to 229 of the Madras Forest Code.

2. Under the existing system the Collector is the head of the Forest Department in his own district, and, as such, has control of and is responsible for the general management of the forests situated therein, the District Forest Officer being the Collector's assistant in forest matters and the district forest office a branch of the Collector's office for the transaction of all forest business. Mr. Hemingway would recognize the District Forest Officer as the head of the Forest Department in his district.

3. In 1904 Mr. R. H. Campbell formulated a similar proposal (as Collector of Vizagapatam) on the ground that the necessity for the paramount authority of the Collector in district forest administration had ceased to exist. The proposal was not accepted by Government as they were of opinion that the absolute necessity of maintaining the Collector's powers of control over forest administration was as clear then as it ever had been and that in fact it could never disappear in a ryotwari Presidency where the interests of the ryot must inevitably come into frequent conflict with those of the Forest Department in such questions as the framing of rules for transit of timber, the arrangement of coupes, the regulation of grazing, the opening of timber and firewood depots. This view was reiterated in G.O. No. 2788, Revenue, dated 14th November 1907, on the proposals of the Forest Code Committee. The sections of the Madras Forest Code quoted in paragraph 1 *supra* are based on that order.

4. A proposal similar to Mr. Campbell's was embodied in a memorandum containing the corporate opinion of the Imperial Forest Service, Madras, which was submitted to the Public Services Commission.

5. The Government have, however, since approved various alterations in the methods of forest administration as an outcome, partly, of the Forest Committee's report. For instance, the adoption of the contract agency for the disposal of firewood

has been definitely ordered, in preference to the departmental system, a change which involves the closure of all Government depôts. Forest areas are being classified in accordance with the object which they are intended to serve, those requiring conservation for climatic purposes or for the production of timber and fuel being retained under departmental management and other areas transferred to the control of grazing panchayats or abandoned altogether, while in regard even to forests which will remain under departmental control, the Board has recently submitted a proposal for the introduction of a system said to be working successfully in the Bombay Presidency, under which forests are classified as "closed" and "open" and provision is made for the regular settlement of the privileges exercisable by the adjoining villagers in the "open" areas in return for their efficient protection from fire, theft and illicit grazing. The grazing panchayat system and the Bombay plan are both intended to solve the various complicated problems connected with the control of grazing in reserved forests of all classes.

6. The Government have recently addressed the Government of India for sanction to appoint a Chief Conservator of Forests working under their direct control as the head of the Madras Forest Department, in the place of the Forest Member of the Board of Revenue, thus doing away with one argument in favour of the complete subordination of the District Forest Officer to the Collector of the district. The Board was in this connection requested to submit proposals for the amendment of the Madras Forest Code with a view to place District Forest Officers in a more independent position without curtailing the Collector's general powers of control in regard to such questions as the provision of grazing and other agricultural requirements, the extension of forest reserves, the disposal of fuel and other forest produce, etc. The Board's report has been received and contains definite proposals, the effect of which, if accepted, will be to put the District Forest Officer in a position generally analogous to that of the District Superintendent of Police in his relations with the District Magistrate. To quote the Board's own words,—

The District Forest Officer will, in future, be the head of the Forest Department in his district and will correspond in his own name. He will be directly subordinate to the Conservator of the circle who will have complete control over all professional, departmental and financial matters throughout his circle. The District Forest Officer will, however, be bound to consult the Collector of the district in all forest matters of general administrative interest as affecting the public or other departments.

Subject 10.—WORKING OF THE DIFFERENTIAL WATER-RATE SYSTEM.

Mr. Macmichael states his views in the following terms:—

The principle on which the system was originally based was wrong. That principle has apparently been abandoned, and the system is not now based on any definite principle. In practice it has led to endless anomalies and difficulties. It is not understood by the ryots. It has been generally condemned by district officers and also by the Full Board. It should be abandoned and the old system reverted to.

Secretariat note.

The differential water-rate system in its present form owes its origin to the discussions which resulted in the issue of G.O. No. 1040-A, Revenue, dated 18th October 1906. The principal objections then taken to the fixed water-rate system which that order proposed to supersede were—

- (i) that it distinguished irrigation as systematic and occasional ;
- (ii) that it distributed sources for the purpose of charging water-rate into two classes only, whereas in some tracts there are as many as six classes ;
- (iii) that it involved classification of crops, a procedure inconsistent with the principles underlying the ryotwari settlement.

2. On the other hand the supposed advantages of the differential water-rate system were thus described:—

The adoption of a graduated scale of water-rates based on the settlement classification of the soil and on the simple division of crops into two main groups "wet" and "dry" will remedy many of the defects of the existing system of levying water-cess on dry lands. As a method of adapting the incidence of the assessment to the agricultural value of the land it will be in conformity with the principles of the Madras ryotwari settlement and it will enable the State's share in the value of all irrigated crops to be automatically adjusted to economic changes at the periodical re-settlements. Nor will the charge be a reversion to a system of uncertainty since all districts have now been settled and the rates of assessment are well known.

3. The Government accordingly framed specific * proposals for charging the irrigation of wet and dry crops in varying terms of the difference between the wet and the dry assessment of each field and

* The exact scale is given in paragraph 2 of G.O. 1040-A of 18th October 1906.

invited the opinion of the Full Board on this scheme with particular reference to its practical application and financial effect.

4. The Board submitted its views in November 1908. In the meantime the differential system had been introduced into the district of Kurnool along with the re-settlement and the Board's report was based partly on the practical experience gained in that district and partly on the opinions of officers who had framed a careful forecast of the probable effect of the system on the administration as well as on the Government revenue. The conclusion arrived at was the condemnation of the system on the following grounds:—

- (i) it might tend to disturb the agricultural practices of the country ;
- (ii) it would result in increased opportunities for malpractices on the part of the karnam and entail increased labour for the official ;
- (iii) it was inconvenient and perplexing to the ryots who could not understand it ;

(iv) it would have the general effect of causing a considerable loss of revenue by conferring on the better soils relief which they did not deserve.

5. The Government disagreeing with the Board expressed their adherence to the views set out in the order of the 18th October 1906 quoted in paragraph 3 *supra*. They decided, however, to postpone the extension of the system to the entire Presidency and to consider the question of its application to individual districts together with proposals for re-settlement. The system was thus gradually extended

to districts under re-settlement and is now in force in the districts of Kurnool, Cuddapah, Ganjam, Nellore, Chingleput, Coimbatore, and parts of Trichinopoly, Chittoor and Anantapur.

6. The Board was instructed to submit annual reports on the working of the system and the last of these reports which was discussed at length related to Fasli 1321. In that report the Board again recommended the abolition of the system on the main grounds that it was unnecessary to introduce into the subject considerations based on the relative productivity of soils, that the quantity of water available ought not to be ignored in fixing the charge for water and that the fixed water-rate system was generally more appropriate, given some simplification of the rules.

7. In an elaborate Secretariat note (written by Mr. Moir) a historical survey was given of the evolution of the successive systems of water-rate and their respective merits and demerits were examined in detail. In the result, the Government came to the following provisional conclusions but called for a further report from the Board on certain connected points:—

(i) that for a wet crop on dry land the appropriate charge was the difference between the wet and the dry assessment; and

(ii) that as regards irrigated dry crops the system of charging a rate calculated on the same basis was inappropriate and should be replaced by the levy of a cess equivalent to the dry assessment or some multiple of that assessment.

These conclusions were supplemented by remarks indicating that in the special case of protective irrigation under the Kurnool-Cuddapah canal it might be necessary to fix a minimum acreage charge of one rupee, while under new projects financial considerations might necessitate a scale of water-rate sufficient to ensure an adequate return on capital outlay.

8. These conclusions were embodied in Official Memorandum No. 1756-B of 1913, dated 17th November 1913. The report called for from the Board has not yet been received but according to the latest information is likely to be submitted in the current month; when it is received, the question of the system under which water-rate shall in future be levied will come up for the decision of Government.

Subject 11.—SIMPLIFICATION OF JAMABANDI.

The following are the terms in which Mr. Turing outlines his views as to the reform of jamabandi procedure:—

Component parts of jamabandi.—It has always seemed to me that under the head of "Jamabandi" are at present grouped together four distinct items of work—

(i) The passing of orders regarding water-rates, encroachments, cases of remission, etc.; in fact, the *settlement* of all variable items of revenue.

(ii) The hearing of petitions against orders, making of local inspections where possible, and the modification of orders already passed with reference to ryots' complaints.

(iii) All sorts of matters not strictly connected with jamabandi at all, e.g., inspection of land records work, cattle statistics, vital statistics, vaccination, an examination into any special portions of the tahsildar's work which happened to be attracting special attention at the time, e.g., division of land into poramboke and unassessed, transfer of registry, etc.

(iv) Comparison of village accounts with one another and with the taluk accounts, which is essentially an *audit*.

2. *A new system of audit.*—I think the essential reform required is to remove item (iv) altogether from the scope of the jamabandi officer's enquiry. I cannot understand why, although the audit of every other item of accounts in the Presidency is done by a staff of trained auditors, often travelling auditors, the audit of land revenue accounts should be done by the clerks of the ordinary revenue establishment, who have no special knowledge of audit work and have of necessity to be principally trained in wholly different items of work, (e.g., the Collector's disposing clerks would be absolutely useless if they were chiefly trained as auditors).

In so far as this audit is concerned, I consider the jamabandi is worse done now than would be the case under almost any other conceivable system. As divisional officer I have myself employed as jamabandi clerks my attender and my muchi, i.e., persons who are very little removed from peons either in pay or in intelligence. All officers I have consulted agree that this is still the practice at a divisional officer's jamabandi. Indeed it is absolutely impossible that half-a-dozen or so clerks, only about two of whom have any real training in revenue work, and none of whom are usually trained in accounts, should carry out a satisfactory audit. The jamabandi officer's supervision is little more than a farce. He signs certain accounts and disposes of items of difficulty, nothing more.

Moreover, in so far as the audit is concerned, the jamabandi is done inevitably at the wrong time. Any other audit is done after the close of the transactions to which the audit relates, ~~and the jamabandi audit is done at the same time as the audit of the land revenue accounts, which is done some months before this time, the reason being that the audit is mixed up with the wholly unconnected subject of settlement of demand.~~ Jamabandi is done some months before this time, the reason being that the audit is mixed up with the wholly unconnected subject of settlement of demand.

The essential part of my proposal is, therefore, that the check of village and taluk accounts should be done by a specially trained staff of fairly well-paid audit clerks working under an officer of the status of a deputy collector and doing the work for the whole district. They should take each taluk in turn and work at each taluk headquarters, beginning from the 1st of July or thereabouts and continuing the whole year. Their work should relate solely to the accounts of the previous fasli. The karnams should be called in to the taluk office in batches for a week or so at a time.

Note I.—I do not propose that this special audit staff should prepare a host of audit objections which the divisional and taluk officers would have then to answer. The remedy in that case might be worse than the disease. The deputy collector in charge of the audit staff should have exactly the same powers as the present jamabandi officer to correct items in demand, to order recoveries and refunds and to alter all the village and taluk accounts including the No. 12 accounts.

Note II.—The taluk office check of karnams' accounts is of course essential. I do not propose to alter the present practice at all as regards this.

3. *Orders on variable items of demand.*—As regards items (i) and (ii) of the work as mentioned above (paragraph 1) they should continue to be done by the divisional officer.

Item (i) is already almost wholly disconnected with jamabandi and the power of passing orders has been delegated, as regards all items except remissions, to the tahsildars. Only such items as are belated in disposal require orders during jamabandi itself and none ought to. There is no longer any point in this part of the work being done at jamabandi.

4. *Inspections.*—Item (ii) should, I think, be done during the divisional officer's cold weather tours. I would insist on the divisional officers notifying a full month ahead certain camps at which they will be during December and January and possibly February, and at which they

would listen to any complaints as regards improper charges made by them or by the tahsildars. The present rule regarding service of notices should make it possible for the ryots to know in the majority of cases what orders have been passed before these camps take place. And my belief is that in such camps, unhampered by the appalling mass of routine connected with the jamabandi check-memo, far more personal attention could be given to such complaints. The karnam could of course be called in for a day or so where necessary.

It is also far easier to make inspections during the natural season for touring than during the season of great heat in which jamabandi camps are usually held at present. Outside the Madras Presidency no Government, I believe, expects hard and continuous field work from divisional officers during the hot weather.

5. *Miscellaneous items of work.*—As regards item (iii), I would exclude all such matters from the scope of jamabandi altogether. It is my belief that nothing is gained by the perfunctory enquiry held on these subjects while the principal attention of every one is concerned with the question of accounts.

6. *Possible objections.*—If it be objected that this system defers the detection of inaccuracies in the jamabandi accounts for several months, or even a year, i.e., till the special audit department has completed its work in any particular taluk, I would reply that comparatively minor inaccuracies could safely wait till then and that the substantial correctness of the demand can be perfectly easily provided for by a mere posting statement in the taluk and divisional offices. Charges made on encroachments, water-rates and sums remitted should be posted in the taluk or divisional office at the time the orders are passed, and these statements should be compared with the taluk No. 12 and the tahsildar's final demand as corrected to the end of the fasli. As regards the bulk of the demand it is of course now regulated by the settlement and only varies very slightly from year to year. I believe the chance of any item of importance escaping entry in the accounts up to the time of audit to be practically *nil*, and to be certainly no greater than the chance of such an item escaping notice altogether under the present system. I would still make the divisional officer check and sign the village No. 12 and taluk No. 12 accounts, say, at the end of May, a simple matter, not even requiring the karnam's attendance.

7. *Objections to the present system.*—The chief objection to the jamabandi as at present managed, apart from the inefficient way in which it is necessarily conducted, is the dislocation of office work it causes. One can imagine the horror which would pervade the offices of any other department in the presidency, if its whole staff of clerks were suddenly removed from headquarters for two or three periods, each of about three to four weeks' duration, in the year, carrying with them their records, correspondence registers and all the paraphernalia of a decently managed office. Yet this is what happens every year to every revenue office in the district, and I think it undeniable that their ordinary correspondence work is on the average heavier than that of the offices of any other department. It is scarcely an exaggeration to say that the normal existence of a revenue office consists of a three months' jamabandi and about four or five months of recovering from its effects. Office work is pursued under normal conditions for less than half the year.

8. *Collector's jamabandi.*—As regards the Collector's jamabandi, I am firmly convinced that, apart from the questions involved in the above suggestions, it is an obsolete survival and should be abolished. Jamabandi no longer retains even a tithe of the importance which it had thirty years ago, before our system of survey and settlement arrived at its present fair state of perfection. The questions of general importance which come up for the Collector's settlement at jamabandi are now very limited in number and may just as well be referred to him by letter, as indeed they are throughout the rest of the year. Of course it is to some extent an advantage for the Collector to gain an intimate acquaintance with the conditions of individual taluks in his district. But I think it is an advantage which is much more than counterbalanced by the dislocation of more important work which it causes. Practically every Collector's jamabandi means that Collector is engaged for several hours a day doing what is essentially a divisional officer's or auditor's work.

9. *Special staff.*—As the work of the special audit staff will be rather trying and very monotonous, I think that the staff should be more or less interchangeable with the Collector's treasury and account staff. The same may be said of the deputy collector who is the head of this staff. The work of this deputy collector would be sufficiently closely connected with ordinary revenue work on the one side and treasury work on the other to render it possible to place him in charge of division or of a treasury after, say, two years' work as the head of the audit staff.

Secretariat note.

The existing instructions with regard to the conduct of jamabandi are to be found in Board's Standing Order No. 12, which last came under general revision in G.O. No. 2562, Revenue, dated 15th September 1909. The possibility of simplification formed the subject of a Legislative Council Resolution moved by the Hon'ble Rao Bahadur V. K. Ramanuja Achariyar at a meeting held on the 17th May 1913, and for the purposes of the debate on that resolution special reports were obtained by the Board from ten Collectors. The resolution was withdrawn on the undertaking of

Government to consider any definite proposals put before them towards the end in view. In Official Memorandum No. 847-B/13-Z, Revenue, dated 14th June 1913, the Government remarked that "while the Collectors' reports indicated generally that 'the Honourable mover's proposals were unpractical they were not conclusive that 'the existing jamabandi procedure was not susceptible of simplification.' The Board of Revenue was accordingly requested to examine the Collectors' suggestions and to report 'whether and if so in what respects the rules might be amended.' The outcome of this reference was the Proceedings of the Full Board No. 3876, dated 10th October 1913, dealing with the whole question and after mature deliberation arriving at the conclusions "that under the ryotwari system the annual jamabandi is necessary and that the present method of conducting it is not susceptible of any material 'improvement.'"

The following is perhaps the most important passage in the Board's Proceedings:—

The work connected with jamabandi may be broadly divided into three divisions: (i) the completion of the village accounts by village officers, (ii) the checking of the accounts and (iii) the hearing of petitions by the jamabandi officer. Strictly speaking, the preparation of the village accounts should not be considered a part of the jamabandi at all. The ideal will be reached when each karnam can be trusted to arrive at the morning of the day fixed for the jamabandi of his village with his accounts carefully prepared and ready for the jamabandi officer's checking. Such an ideal, however, is scarcely likely to be reached in the near future. In order to maintain even the present low standard of efficiency, the karnam's work requires to be carefully supervised and supplemented. The preparation of the village accounts should, properly speaking, be done in the villages but a large number of karnams, possibly the majority, would never complete their accounts at all if they were not brought in and made to do so under supervision at the taluk headquarters. It is no doubt the duty of the revenue inspector to insist on the village accounts being prepared before or during his inspection of the village, but experience has shown that it is useless to expect the revenue inspector, with so many other duties to perform, to give sufficient time to each village to ensure the careful and punctual preparation of the accounts. In many cases indeed the revenue inspector himself cannot be trusted to prepare the accounts accurately without the assistance of the taluk office. It is at present almost the universal practice, even in Tanjore where the karnams as a class are considered to be more efficient than elsewhere, for all the karnams to be summoned to the taluk headquarters including taluks where there are deputy tahsildars, for the purpose of completing the accounts. Even could this be altered, as does not appear to the Board possible, there must still remain many items in the accounts which can only be completely written up after orders passed in regard to them have been ascertained in the taluk office. It appears, however, to the Board to be both possible and necessary to shorten the period of detention of karnams at the taluk office. In addition to the exercise of care and method in summoning the karnams, promptitude on the part of the divisional officers in passing orders on encroachments, use of water and the like will remove to a considerable extent all excuses for delay in the completion of the accounts. If such orders are passed before jamabandi, all persons discontented with the orders passed can present an appeal personally to the jamabandi officer when that officer is the Collector and he can dispose of their objections easily and rapidly.

2. The Government in their Order No. 8, Revenue, dated 2nd January 1914, expressed concurrence in the Board's conclusions and in passing orders on the papers directed the issue of special instructions to ensure the strict observance of the rules relative to the prompt submission and disposal of B Memoranda, No. 2-C, 5 and 6 Accounts previous to jamabandi. [It may here be interpolated that since the passing of the Madras Decentralization Act, 1914, tahsildars and deputy tahsildars in independent charge have been given much wider powers to deal with the encroachment cases and charges for irregular irrigation which form a large proportion of the B memoranda and entries in village account No. 6; tahsildars have also been authorized to issue and cancel tree-pattas or in other words to take independent action on village account No. 2-C (*vide* paragraph 2 (iv) of G.O. No. 2784, Revenue, dated 25th September 1914); it was, however, not considered desirable to give them even limited powers with regard to the remissions of assessment appearing in village account No. 5 (*vide* paragraph 2 (ii) of the same order).]

The Government also accepted the Board's opinion that the whole of the jamabandi check up to the completion of the check memorandum forming Appendix II to Chapter I of the Board's Standing Orders should be carried out at the taluk headquarters. A further enquiry was made with reference to the possibility of checking some of the more important accounts previously at the divisional headquarters with

the assistance, if necessary, of some of the taluk gumastas, but on examination the Board condemned this proposal on the ground of the consequential dislocation of work in taluk offices and the extra inconvenience and expense entailed upon village karnams and taluk clerks—a finding accepted in G.O. No. 1051, Revenue, dated 7th April 1914.

3. In their Order No. 2784, Revenue, dated 25th September 1914, the Government rejected the suggestion separately made to empower tahsildars to sign village account No. 12, which fixes the annual demand with reference to orders passed on subsidiary accounts; they considered it desirable that the jamabandi officer should personally examine this account, showing as it does in a comprehensive form the sources from which the entire revenue of the village is derived.

Finally in another order passed in the same month—No. 2836, Revenue, dated 30th September 1914—the Government expressed concurrence in the following remarks passed by the Board upon a specific proposal (emanating from Mr. Rice) to relieve the Collector of jamabandi work:—

The Board entirely disagrees with Mr. Rice. In its opinion, the Collector's jamabandi serves a very useful purpose and cannot be dispensed with. A general thorough overhauling of the village and taluk accounts by the staff of the Collector working under the guidance of an experienced officer like the sarishtadar once in five years has very beneficial results. The jamabandi further affords the Collector an excellent opportunity of judging of the general efficiency of the taluk administration, rectifying irregularities and setting right misunderstandings of orders and errors in practice and generally of acquiring a close knowledge of the local conditions of the taluk concerned. It would be a retrograde step to sacrifice all these advantages.

4. The foregoing summary of recent orders may be supplemented by the following observations:—

(i) Paragraph 1 of Board's Standing Order No. 12 lays particular stress on the circumstance that the main object of jamabandi is by detailed scrutiny of village and taluk registers and accounts to ascertain whether all items of land revenue have been properly determined and brought to account. It would seem of prime importance that this determination should be effected before the close of the revenue year ending on the 30th June. Minor errors and inaccuracies might be left to post audit as suggested in paragraph 6 of Mr. Turing's note, but it is questionable whether it would in practice be found easy to secure the substantial correctness of the demand, as he proposes, "by a mere posting statement in the taluk and divisional offices". In the first place the maintenance of such registers might possibly necessitate additions to the existing establishment. Secondly, the orders of the divisional officer on the remission accounts and in respect of other items of the village demand may necessitate corrections which cannot be carried out in the absence of the karnam and without reference to taluk registers; and such orders may at a later stage require revision in consequence of further complaints, the detection of errors or subsequent cultivation or irrigation. There are therefore, it would seem, reasons of some weight against holding over the fixation of the final demand for post audit in the following year. Its early and accurate determination is of much administrative importance as a means towards ensuring the punctual realization of the land revenue.

(ii) While a special deputy collector with a staff of auditors might exercise a more efficient check over the numerous village and taluk accounts and registers, *once these have been written up*, it is for consideration whether, in the absence of some stimulus corresponding to the present jamabandi conducted by the divisional officer himself, the average karnam would not delay or bungle the preparation of the fundamental village accounts upon which the whole structure rests; it is perhaps doubtful whether an adequate stimulus would be provided by the taluk office check contemplated in Note II to paragraph 2 of Mr. Turing's remarks.

(iii) The special establishment proposed would undoubtedly give much needed relief to the ordinary staff, but the financial cost of entertaining it must be taken into consideration, for, in order to cover the whole Presidency, the recurring outlay would necessarily be large. Further there is the risk that the check of an establishment consisting of mere auditors devoid of local knowledge and acquaintance with the current correspondence of the division might degenerate into a routine process concerned mainly with the discovery and correction of comparatively unimportant errors;

and their investigation being conducted independently might lead to vexatious references on petty points, thus increasing the scriptory work of taluk and divisional offices, though Mr. Turing in Note I to paragraph 2 of his remarks, probably with this contingency in view, disclaims the idea of any regular system of audit objections.

(iv) With reference to paragraph 4 of Mr. Turing's note it should be observed that while in districts like the Kistna, where the principal crop is sown in the early part of the fasli year, inspection work can most conveniently be done during the divisional officer's cold weather tours; this is by no means the case with regard to the extensive tracts which depend mainly upon the north-east monsoon. In a bad year the troublesome inspection work necessary to check claims to remission on account of waste or shavi (withered crop) can hardly be begun before February and is frequently protracted into May. It is the seasonal conditions of the Presidency which in the southern districts necessitate "hard and continuous field work during the hot weather." At the same time it is the case that under the present system, which permits of orders being passed in regard to the majority of variable items in the demand before the jamabandi season, the convenience of the public and perhaps also that of the official might be promoted by the adoption, where possible, of Mr. Turing's suggestion to fix and notify in advance special camps for local enquiry into complaints regarding the charges made.

(v) Mr. Turing's proposal in paragraph 5 of his note to exclude from the scope of jamabandi the statistical items not directly connected with the fixation of the demand is at variance with the instructions now embodied in paragraph 1 of Board's Standing Order No. 12 and is open to the criticism that the scrutiny of the work of village officers in regard to such matters as land records, vaccination and statistical registers can most conveniently be done during the jamabandi when those officers are present and material for check is readily available. The taluk registers, or at least some of them, stand on a slightly different footing. In paragraph 5 of Board's Standing Order No. 183 divisional officers are required to examine every taluk office in their division at least once a year and this examination may be made at any season. It seems possible that some alleviation of the burden of jamabandi work might be effected by relegating to the annual taluk inspection part of the scrutiny of economic and administrative statistics. Any proposals for changes in this direction would of course require careful examination by the Board of Revenue.

(vi) Finally with reference to paragraph 8 of Mr. Turing's note, the burden thrown personally upon the Collector of the district by jamabandi has been much reduced by the recent orders authorizing and directing divisional officers, tahsildars and deputy tahsildars to deal with the majority of the variable items of the revenue demand in advance of the jamabandi and now that personal assistant deputy collectors have been sanctioned in so many districts it should often be practicable for the Collector to utilize the services of a personal assistant deputy collector or an unpassed assistant collector so as to obtain substantial relief from the routine processes which go so far to make the jamabandi intolerable.

Subject 12.—THE SYSTEM OF APPOINTING VILLAGE OFFICERS.

Mr. Turing's comments on the present system are couched in the following terms:—

Apart from jamabandi revision I think the most essential of all reforms from the district officer's point of view is a thorough re-casting of the law and procedure relating to village officers, in fact the wholesale modification of the present hereditary system in the direction of a mere commonsense arrangement either with or without abandoning the hereditary principle.

2. I think these two Acts, Act II of 1894 and Act III of 1895, together with the Board of Revenue's rules regarding appeals, etc., have produced most undesirable results. However admirable in theory, they really result in most complicated rules of procedure and in a mass of appeals and litigation, which benefits nobody except the local vakils and affords a most undesirable outlet for the Indian passion for litigation over absolute trifles. It involves too an expenditure of time alike by the Board and by every Collector and divisional officer which is absolutely ridiculous, when it is remembered that the whole matter concerns the appointment of our lowest-paid class of revenue officers, and that in no case is the efficiency of such servants to perform their duties ever in dispute in these cases. I think the hereditary system as now worked is incompatible with the efficiency or discipline of the village officers, and it is certainly *unbusinesslike* to an extent that is almost incredible. I sent up a case to the Board the other day of six years' litigation over a dozen village offices which had involved work on the High Court, District Judge, Sub-Judge, Board of Revenue, Collector, divisional officer and an estate receiver.

3. I may add that the hereditary principle is not and cannot ever be fully compatible with the requirements we now insist on in the matter of examination qualifications, survey training, etc.

4. I should myself be inclined to retain the hereditary principle in the case of village munsifs in the modified form described below, but to abolish it entirely in the case of karnams. Anyway, if it is retained at all, it should prove more effective, and quite as consistent with Hindu family feeling if we appointed any competent adult belonging to the last holder's family and within a certain degree of relationship, say, that of second cousin, and including daughter's sons. The selection should be done by the divisional officer within these degrees, solely with reference to apparent efficiency, age and examination qualifications, and not degree of relationship. In the result we should abolish minor office holders, abolish deputies and gumastas (and incidentally the present heart-rending provision that these must not only be competent but agreeable to the minor's family), abolish suits of all sorts and appeals to the Board.

5. This is one of the few reforms that would make a really substantial saving of time to every revenue officer."

Secretariat note.

Mr. Turing's main point is that the hereditary system as now worked is incompatible with efficiency and discipline, and is certainly *unbusinesslike*.

This view is in harmony with the conclusion underlying a recent reference to the Board, dated 29th July 1915, asking that authority to propose amendments to the law. The text of that reference is quoted below:—

Memorandum No. 1847-C/15-1, Revenue, dated 29th July 1915.

In its Proceedings No. 291, dated the 22nd October, 1910, on the subject of village panchayats the Board of Revenue collected a large body of evidence which tends to prove that in several districts the village headmen, on whom must largely depend the success of any system of village panchayat, fail to command the confidence of villagers; and it is an opinion commonly expressed that the main cause of such dissatisfaction as exists with the present village courts is the fact that the method by which the village munsif is selected too often results in the appointment of a man of inferior qualifications and otherwise unfitted to discharge his functions.

2. The question of hereditary right in village offices is one of wide importance and much complexity and very varying opinions have been expressed on it. In the discussions which finally led to the enactment of the Madras Hereditary Village Offices Act, 1895, Sir James Thomson (then Collector of Chingleput) expressed his strong opinion that the Government was best served by its village officers in districts such as Tanjore and Malabar in which no hereditary

right was recognized, that its recognition had proved disastrous in districts such as South Arcot and Chingleput and that in his experience the only persons in favour of the right were those who claimed it, while the attempt to combine the recognition of such a right with rules intended to secure the selection of the fit must inevitably result in endless complications and difficulties. The Board of Revenue in 1892 also expressed its desire to abolish the hereditary right altogether. More conservative councils, however, prevailed with the Government and they decided to preserve the hereditary principle and to extend it to newly created offices. The Government of India were doubtful of the expediency of this policy, observing that the whole tendency of British administration is to assert the principle that appointments are made for the public good, not for the good of an individual family; and in finally yielding to the wishes of the Madras Government they referred to the experiences in other provinces that hereditary village accountants had often proved a positive danger to the interests of the village and of the Government of which they should be the guardians and expressed the hope that when possible the application of the hereditary principle should be modified.

3. The present Government are inclined to doubt whether it is any longer desirable to require a rigid adherence to the principle of primogeniture in filling village offices. The conditions of modern India render the selection of thoroughly efficient men for the post of headman and karnam of ever increasing importance; and it is more necessary that the village officials should be the best men available in the village than that they should belong to a family which may have once held a leading position but has perhaps since lost it. On the other hand it is clearly impossible in many cases to combine selection with a rigid observance of the hereditary principle. The Government are therefore disposed to amend the law. They do not desire that family claims should be altogether ignored; but they do not think that they should be allowed to fetter selection to the extent to which they now do. With this object they consider that the recognition of hereditary right might be removed from the substantive provisions of Acts II of 1894 and III of 1895 and that it might be merely declared in the rules framed under the Acts that a claim to hereditary right will be one circumstance amongst others to be considered in the selection of a candidate for a village office.

4. The Board of Revenue is requested to consider these suggestions and report its opinion on the question of improving the method of selecting village officers, formulating such proposals as it thinks necessary for the amendment of the law on the matter (Act II of 1894 and III of 1895 and the rules framed thereunder). The Government will be glad if the Board will obtain the opinions of some officers who have had recent experience of district administration, more particularly on the question whether it is a fact that the Government is better, or at least equally well, served by its village officers in those districts in which village officers are not recognized as being hereditary."

The question is also incidentally discussed in paragraphs 4 and 5 of the Board's Proceedings on page 3 of G.O. No. 55, Revenue, dated 7th January 1915, in which dealing primarily with the educational tests required for village officers, the Board said that the "decision to maintain the hereditary principle is a wise one" and proceeded to support the educational tests on the ground that they enable the divisional officer in fact to disregard the hereditary principle.

2. Mr. Turing suggests *abolition* of hereditary right in the appointment of karnams and *restriction* in the appointment of headmen. In the official memorandum to the Board this distinction has not been definitely drawn, but the references in the official memorandum to the past history of the case show that the Government of India at least think that there are stronger reasons for ignoring hereditary right in karnams.

3. As to modification, Mr. Turing's suggestion is that the divisional officer should have power to select the best men belonging to the last holder's family and within a certain degree of relationship, the limit suggested being second cousin and including daughter's sons.

In practice difficulty may be caused by any attempt to prescribe precise limits of relationship and it is for consideration whether it would not be safer merely to lay down the general rule that "belonging to the family of the last holder" shall be a qualification to be considered amongst others.

In the districts in which the hereditary principle is not recognized the practice is to follow "as far as may be" the procedure applicable in hereditary districts (see paragraph 2 of Board's Proceedings on page 2 of G.O. No. 1036, dated 10th December 1897), and the rule for filling new offices from abolished office holders under section 6 (1) of the Madras Hereditary Village Offices Act, 1895, is to select a "member of the family" of the last holder.

"Family" should presumably be interpreted in the natural sense; in other words, a Hindu joint family consists of the co-parceners; a Malabar family of the tarwad or tavazhi. Mr. Turing's proposal would in a sense widen the field of selection: but if "membership of the family" is only one qualification amongst others that is not important. A second cousin would have no more, and no less, claim than any other outsider.

4. Mr. Turing lays stress on the waste of time caused by the present system. In the reference of the 29th July 1915 mentioned in paragraph 2 *supra* the Board has been asked to report specially about the respective merits, in fact, of the systems obtaining in hereditary and non-hereditary districts: but not about the effect on the revenue officers' work. There is no question that the Act of 1895 does cause much extra work in hereditary districts which does not arise in, say, Tanjore or Malabar. Mr. Turing apparently proposes to abolish the right of suit altogether, and this seems appropriate if recognition of the hereditary right is omitted from the Act altogether as contemplated in the memorandum of the 29th July. There are obvious difficulties in the way of any attempt to define a modified relationship right by statutory provision.

5. From one point of view, namely, the importance of getting one of the real leaders of the village to administer village justice it would seem as expedient to get rid of the hereditary principle in the appointment of village munsifs as in the appointment of karnams. This view receives confirmation from recent reports on the working of village courts and is discussed in the following extract from the special report recently submitted to Government by Mr. W. W. Phillips:—

In former days the village headman was the most influential, or one of the most influential men, in the village, but with the spread of education village headmen do not appear to have progressed *pari passu* with the rest of the community. The appointment is in most districts hereditary, and consequently choice in making new appointments is very limited. The appointment does not carry the same prestige as formerly for the duties of a headman are multifarious and he is at the beck and call of a host of subordinate officials, who do not treat him with the respect to which he is entitled by his position. It is noticeable on the west coast that the karnavan of the mirasi family often does not take up the appointment himself, but allows one of his anandravans to be appointed. I have also met recently two very respectable gentlemen, who were unwilling to take up the appointment of headman, although they were entitled to it by hereditary right. Their unwillingness to serve was largely due to the manner in which village munsifs are treated by minor officials, who order them about as if the village munsifs were their inferiors in status, whereas his social status is in reality often superior to that of the official to whom he is subordinate. In order to evade service and at the same time to preserve the hereditary right a minor is sometimes registered as headman and a gumasta appointed to do the work. In these circumstances, it seems hopeless to expect any great improvement in the average status of village headmen in the immediate future. Even the abolition of the hereditary character of the appointment, which has been suggested by numerous witnesses, officials and non-officials, would not necessarily effect any improvement, for the respectable inhabitants of a village are not willing to become the servants of a number of petty officials of all departments. If the position of village headman cannot be improved, it is useless to expect that the number of village munsifs exercising jurisdiction will increase to any considerable extent. The almost universal opinion, official and non-official, is that village munsifs, as a class, are incompetent and untrustworthy, so far as civil judicial work is concerned. This opinion is undoubtedly somewhat exaggerated, as is shown by the large number of suits tried by them, but it is unfortunately true of a large proportion of village munsifs. In Bellary and Cuddapah some village munsifs are known to be receivers of stolen property and probably this is the case in other districts also. People can hardly be expected to take their suits for decision by persons of this class. Very frequently also village munsifs are almost illiterate, and consequently very dependent upon the karnam and subject to his influence.

Until, therefore, there is an improvement in the character and attainments of village headman, it seems impossible to expect any very considerable improvement in the quantity of work done by village courts.

6. The appendix printed on the next page contains a note on the general question subsequently received from Mr. Hemingway.

Mr. Hemingway's note.

I think that the present system is in many ways unsatisfactory. I can see no object in the hereditary system as at present designed. It is obviously desirable to have a good man as a village officer, and the present system does not necessarily give you a good man and hardly ever gives you the best available. I suppose it was hoped when the system was introduced that a quasi-patriarchal state of things would grow up whereby the village headman would be regarded with veneration not only on his own account but on account of his ancestors also. I do not believe that this is the case. Circumstances vary in different districts, but I am told that in this district (Tinnevely) the monigar's family is very rarely the most prominent family in the village and is often quite insignificant. A selection from such a family at all is unfortunate and the law on the subject generally debars one from selecting even the most suitable member of the family.

2. Secondly, the law and the rules on the subject are very complicated and such appointments and appeals against such appointments give divisional officers, Collectors and the Board of Revenue a very great deal of trouble. Instances of that kind will occur to any Collector of a Tamil district.

3. The difficulty in suggesting a change is the doubt whether it would be either just or politic to deprive any class of people of what they now regard and rightly regard as a vested interest. On this point I confess I have doubts or I would advocate the complete abolition of the hereditary system and liberty to divisional officers and Collectors to appoint the best man they can find to a village office from any family they choose. A less sweeping change would be to abolish the rules of succession and to permit divisional officers and Collectors to select the most competent man from the *mirasi* family. In any case I should like to see both the law and the rules on the subject abolished and replaced by a very simple set of executive orders giving a free hand to divisional officers and Collectors with an appeal, if held necessary, to the Board of Revenue.

An additional evil in the present system is the appointment of minors and "permanent gumastahs". The permanent gumastah is often the most unsatisfactory person; and is as difficult to get rid of as the permanent monigar. Yet he often goes on for years.

Subject 13.—TAHSILDARS' POWERS WITH REGARD TO VILLAGE STAFF.

Mr. Braidwood states his views in the following terms:—

The powers of tahsildars should be considerably extended. I would allow the tahsildar to appoint, grant leave to, fine and suspend and dismiss talaiyaris and vettis, subject of course to appeal to the divisional officer. I would allow him to suspend the karnam for not more than two years, the divisional officer having power to enhance the punishment. Otherwise tahsildars might occasionally show undue leniency. I would allow him to grant leave up to one year to village magistrates and karnams making acting appointments. I would allow him to fine karnams and village magistrates up to Rs. 3. I would not allow him to inflict any heavier punishment on village magistrates as it is desirable to emphasize the superiority of the headman over the karnam.

Any change of this sort requires legislation.

Secretariat note.

Mr. Braidwood's recommendations are substantially identical with the proposals put forward in 1908 by Mr. Davidson as an officer on special duty in connection with measures of decentralization. The Government in their order No. 859, Revenue, dated 29th March 1909, accepted the principles (i) that tahsildars and deputy tahsildars in independent charge should be empowered to inflict any punishment except dismissal upon village officers and servants other than headmen and karnams, fines being limited, however, to the existing maximum of one rupee and (ii) that tahsildars should be empowered to suspend headmen and karnams for periods not exceeding one month and fine them up to the limit of one rupee. They were not prepared to give either tahsildars or deputy tahsildars any powers to make appointments or grant leave except in the case of (a) minor village officers not of a hereditary character (where such officers already exercised full powers in this respect under paragraph 2 of Board's Standing Order No. 156) and (b) leave vacancies not exceeding three months, where such powers are now provided generally by paragraph 2 of Board's Standing Order No. 155, the position being legalized by the submission of monthly statements of leaves and acting appointments to the divisional officer for confirmation.

As the approved additions to the disciplinary powers of tahsildars and deputy tahsildars necessitated legislation these delegations were held over for embodiment in the next amendment of the Madras Proprietary Estates Village Service Act, 1894, and the Madras Hereditary Village Offices Act, 1895. The preparation of amending bills is in abeyance pending receipt of a report called for from the Board of Revenue in Official Memorandum No. 1847-C/15-1, Revenue, dated 29th July 1915, with regard to the proposal to modify the hereditary principle. It may be observed, however, that the amendment seems likely to take the form of the replacement of sub-section (2) of section 7 of the latter Act by a sub-section delegating the powers of a Collector under section 7, subject to rules prescribed by the Board of Revenue, to revenue officers not below the rank of deputy tahsildar if duly empowered in that behalf by the Board of Revenue, and the insertion of a similar sub-section in section 16 of the former Act, consequential amendments being made at the same time in the rule-making sections of the two Acts.

Subject 14.—WORKING OF THE MADRAS ESTATES LAND ACT, 1908.

Mr. Macmichael states his proposals in the following terms:—

Procedure (Chapter XV).—The procedure in the trial of rent suits under the Act is unnecessarily complicated. The amounts involved in each suit are usually very small. Rent suits should be tried summarily like small cause suits.

Record-of-rights and settlement of rents (Chapter XI).—The Act provides for the settlement of rents being made after the completion of the survey and of the record-of-rights. This procedure causes unnecessary delay and expense. In many cases the record-of-rights is merely a means of securing a settlement of rents; this is the case in Ganjam. There appears to be no reason why a settlement of rents should not be ordered without having to go through the preliminary and expensive process of preparing a record-of-rights. This in fact is simply the procedure followed in ryotwari tracts. The value of a record-of-rights is very problematical; at the best, in practice, it is hardly more conclusive than the settlement register in a Government village. The Act should be amended so as to allow of a settlement of rents being ordered without the preparation of a record-of-rights. The provision in the chapter that the survey should be carried out under the Madras Survey and Boundaries Act, 1897, should be omitted, and the revenue officer should be authorized to make such survey and demarcation as he sees fit, the procedure being regulated by rules framed under the Act.

Secretariat note.

Jurisdiction and procedure.—Mr. Macmichael's proposal is that suits and applications should be "tried summarily like small cause suits." The procedure of small cause courts in the mufassal is governed by Chapter IV of the Provincial Small Cause Courts Act, 1887, which makes the provisions of the Civil Procedure Code generally applicable subject to certain important restrictions set out in section 7 of the Code itself and in Order No. L in the first schedule appended to the Code.

The proposal to enforce a summary procedure in the trial of rent suits and applications repeats the theory of the old Madras Rent Recovery Act, 1865 (see sections 49 *et seq.*—notably section 65) and the reasons why the procedure was changed are stated in the following extract from G.O. No. 890, Revenue, dated 10th October 1893. (Paper No. 1 communicated to the Legislative Council in connection with the Bill which developed into the Madras Estates Land Act, 1908):—

Most of the district officers who have reported on the Bill are strongly in favour of retaining the present summary procedure on the ground mainly that parties are enabled thereby to obtain cheap and speedy justice, and the Board is apparently also of the same opinion. But the Government does not concur in this view.

The retention of summary procedure is advocated chiefly in the interests of the tenants, but there is nothing to show that this procedure is more helpful to tenants than to landlords. Where the matter in issue is of real importance, summary adjudication will benefit neither party as it will only postpone a final determination of the question and increase the cost of obtaining it.

The Government is accordingly of opinion that the committee has acted wisely in proposing to abolish the present summary procedure in rent-suits. It will be noted that, in extending the Code of Civil Procedure to such suits, suitable omissions and alterations have been made so as to simplify the procedure of the Code as much as possible, and that, under the power given to the High Court to make rules on this subject such further modifications in procedure as may be deemed expedient can be introduced from time to time.

The Select Committee in justifying the clauses which ultimately became sections 192 and 202 of the Madras Estates Land Act, 1908, expressed itself in the following terms:—

Clause 179 (159).—The original clause left the procedure of the revenue officers and courts in whom jurisdiction was solely vested to be regulated by rules made by the local Government. As the appellate jurisdiction is now transferred generally to the regular civil courts, we have provided for the application generally of the Civil Procedure Code to the procedure in all suits, appeals and other proceedings. Following the Bengal and North-West Provinces Tenancy Acts we have expressly excluded the operation of certain sections and chapters of the Code which

experience has shown to be unnecessary. The procedure thus simplified appears to us to be sufficient for the determination of the matters which may arise under this measure between landholders and their ryots. We have further empowered the High Court to exclude the operation of other portions of the Code or to apply them with modifications if it considers that this may be done either generally or in any particular class of suits.

2. *Settlement of rents without a preliminary record of rights.*—Mr. Macmichael does not propose that survey should be altogether dispensed with, for without a preparatory survey settlement proceedings would hardly be feasible. He takes exception, however, to the preparation of an elaborate record of rights as a preliminary to the settlement of rents and considers that such a settlement might be effected on the lines of ryotwari settlements in Government taluks, given a simple form of survey and demarcation, carried out at the discretion of the settlement officer in accordance with special rules to be framed under the Madras Estates Land Act, 1908, in lieu of the formal procedure prescribed by the Madras Survey and Boundaries Act, 1897.

An essential feature of the scheme of the Madras Estates Land Act, 1908, is the facilities provided for a general survey and record of rights. The Madras Government were originally not in favour of such provisions. They were ultimately included after a decided expression of the views of the Government of India and the Secretary of State on the subject. There was hardly any opposition to this part of the Bill in the Legislative Council. On the contrary, the provisions had the approval of the non-official members. The Hon'ble Mr. V. Krishnaswami Aiyar in particular remarked: "I am entirely at one with the Bill so far as the survey and record of rights are concerned." The general settlement of rents provided for in the Bill as a corollary to the record of rights did evoke criticism. The relevant clauses were objected to on the ground that provision having been made for revision of rents on the motion of particular tenants if aggrieved, there was no need whatever for a general settlement of rents which would only have the effect of creating unnecessary apprehensions in the minds of landholders. It was finally decided that such a settlement should not be undertaken without the orders of the Local Government or unless the landholder or at least one-fourth of the ryots asked for it. The assumption throughout was that a survey and the preparation of a record of rights were essential preliminaries. The omission of the sections (164 to 166) which make these preliminaries legal would certainly not be assented to by the Government of India or the Secretary of State and presumably Mr. Macmichael does not contemplate amendment on such drastic lines but merely an alternative provision to section 168 permitting a general settlement of rents to be made in certain cases without the previous process of a record of rights. It is for him to show that it is practicable to dispense with the particulars described in section 165, but here it may be remarked that that section is itself not obligatory; it merely lays down that "some or all" of the particulars mentioned must be included in the record of rights. Legally, it would seem competent to the Local Government to restrict the record by rule under section 164 (3) to particulars so meagre as to meet the view that an elaborate record is not an essential preliminary to a settlement of rents. Practically such a course is open to obvious objection; in ryotwari settlements the records in existence or drawn up by the special staff are by no means been emphasized by the Survey Committee, which has recommended the maintenance of a regular record of rights for Government villages. In these circumstances it is provisions of the Madras Estates Land Act, 1908.

3. *General.*—It may be observed that, so far as is known, Mr. Macmichael's criticisms have not been put forward by the Board or the other critics whose views are now under examination in the Secretariat in connection with the impending amendment of the Madras Estates Land Act, 1908.

*Subject 15.—*POSSIBILITY OF IMPROVING THE MADRAS SURVEY AND BOUNDARIES ACT, 1897.

Mr. Wood's views are indicated in the following terms:—

Cannot the survey record be made *conclusive* evidence of boundaries, after a specific limitation period?

2. If there is a dispute *at the time* of survey [section 11 (2)], the limitation period from the survey officer's decision is three months to the appellate authority [section 12 (i) (a)] and then one year for a suit in the civil court. If there is no dispute at the time, any man can encroach on public land years after the survey, claim that he has been in occupation from time immemorial and that the survey was wrong, and go to the civil court. No limitation exists.

3. The Board has recently ordered that the "rough chitta" shall be retained permanently, and as an extract is given to each pattadar showing the area of his survey numbers, it is expected that this will make the survey final after the lapse of the appeal time and the rough chitta will be conclusive proof. But I am pretty confident that this will not get over the difficulty, nor will the civil courts hold that this is a decision as to the boundaries under section 12 (1).

4. The only decision as to boundaries is the actual survey line on the ground: and the only notice of this that can really be given to parties as required by section 12 (1) would be by a survey sketch. This would involve a great deal more work than is justified. The only alternative to this, if the survey is to attain any finality, is to amend the Act.

Secretariat note.

Mr. Wood brings forward this question with special reference to "the fact that survey according to civil courts is not final." It is the case that operations under the Madras Survey and Boundaries Act, 1897, merely settle boundaries and not questions of ownership, that the survey register is not a record of rights and that entries in it do not convey a legal title. Questions of title and possession may therefore be contested in a court of law and sections 13 and 25 of the Act expressly provide for civil litigation to establish rights claimed in respect of the boundaries laid down by a survey officer.

2. In his evidence before the Survey Committee (see the answers to questions 11 and 16 in section I at pages 207–208 of Volume II of the Committee's report), Mr. Wood advocates a statutory declaration that "the survey and plotting of land as poramboke shall be conclusive proof, after the lapse of a year, that it is poramboke, and that trespass upon it, for however many years, shall be no bar against Government evicting the trespasser." The object of this declaration is to prevent the successful prosecution of claims to encroachments backed up by oral evidence, always easily obtainable, of adverse possession for sixty years.

3. The general question of the finality of survey proceedings is discussed in the following extract from the Survey Committee's report:—

75. *Law as to survey and revenue registry.*—In the Madras Presidency the elements of a record of rights in this extended sense are embodied in two independent statutes, the Madras Survey Act and Regulation XXVI of 1802. Orders passed under both the Act and the regulation are final and conclusive. In the case of the regulation, this provision has been deprived of all force by decisions of the High Court (*vide* Circular Orders of the Court of Sudr Udalat, dated 17th September 1832; Madras High Court Reports, volume III, pages 134–136; Indian Law Reports, XXX, Madras, page 41). In the case of the Survey Act, we have found no similar authoritative ruling, but we are informed that subordinate courts show marked reluctance, when called upon to administer the more stringent of its provisions. Witnesses of legal experience have informed us that they fail to see how survey proceedings can prevent a judicial officer from accepting and acting on credible evidence as to occupation and title in regard to particular pieces of land. Our conclusion is that the stringency of the Act and regulation is so great as to defeat its own object. Survey and revenue enquiries necessarily have a somewhat summary character and survey and revenue authorities are not experts in law. Officers of these departments are not in a position (and cannot hope for years to come, if ever, to be in a position) to hold enquiries to which it would be safe to give a character of finality. What we can reasonably hope for is that their enquiries will carry sufficient weight to make a presumption of truth as to title or boundaries naturally attach to their conclusions. Our revised A register, if in force, would represent (as no

document at present completely represents) the public register referred to in section 2 of Regulation XXVI of 1802 and would embody the transfers referred to in section 3 of the same regulation, but it would be obviously unsafe to regard entries therein as conclusive proof of title.

76. *Proposed record of rights.*—Taking these various considerations into account, we would recommend that the village and field maps and the revised A register should constitute a record of rights and that an entry in the record of rights should be presumed to be true until the contrary is proved or until a new entry is lawfully substituted therefor (*vide* the Bombay Revenue Code of 1913, section 135). Following the precedent of the Punjab, we have included village and field maps as part of the record of rights.

4. The committee concludes that “the only satisfactory way of giving effect to these proposals is . . . to supersede the present Madras Survey Act and Regulation XXVI of 1802 by a single consolidated Record of Rights Act.” This recommendation has been referred to the Board of Revenue for report and will come under the consideration of Government when that authority’s report has been received.

5. With reference to the respective merits of declaring entries in surveys or records of rights to be *presumptive evidence* or *conclusive proof* of the statements made, a valuable opinion is to be found in the discussions regarding similar provisions in the Madras Estates Land Act, 1908. In the earlier stages of that measure it was proposed to accept the survey record as conclusive. This proposal led to the following criticism from the Government of India embodied in a letter communicated to the Madras Legislative Council, with G.O. No. 35, Legislative, dated 1st June 1898:—

It is observed that the Madras Government have not adopted this conclusion without careful consideration of the arguments which have been urged against it. But the Government of India desire to press those arguments again as the question is one which is, in their opinion, vital to the success of the survey as well as to the interests affected by it, and the legalization of the record as final proof may not improbably wreck the survey altogether. The idea is altogether novel in practice and has never been adopted even in provinces in which a record has been maintained for a century and has been elaborately scrutinized at repeated settlements. It was brought forward in 1871, but was rejected for reasons which will be found stated in Sir Fitz James Stephen’s speech in the Legislative Council of the 30th October of that year on the Punjab and North-Western Provinces Land Revenue Bills. It has been found in experience that the acceptance of the survey entries as *presumptive proof* is all that is required in order to secure titles with a minimum of litigation. With a comparatively small amount of trouble, errors can be brought within narrow limits and do little harm as long as the entries are rebuttable in the courts. Every attempt at stricter accuracy adds enormously to labour and expense. And it is hopeless to expect that errors can be absolutely eliminated, take what trouble we may.

Such being the views of the Government of India it follows that the procedure in preparing the record can be considerably simplified. Under the Bill as it stands the procedure in drawing up the preliminary record will be summary and of an executive character. Objections received after publication should also be decided summarily, and appeals should lie to a special Collector and not to a Judge. There should be no appeal permitted to the High Court, and the period for publication should be limited to three months at the outside. In Bengal only one month is allowed.

I am, however, to explain that in urging that the survey entries should not generally be accepted as more than presumptive proof, the Government of India do not mean to imply that in certain matters the decision of the record officer should not be accepted as final. Instances of such matters would be the amount of rent fixed in cases where rent settlement is undertaken or the particular lands which are to be included in the zamindar’s ‘private lands’.

6. In the result the views of the Government of India prevailed and while section 176 of the Madras Estates Land Act, 1908, makes the settlement of rents final, the general position with regard to entries in a duly published record of rights, as laid down in section 167 (3), is that such entries are “evidence of the matter referred to . . . and shall be presumed to be correct until the contrary is proved.” And section 173, following the precedent set in sections 13 and 25 of the Madras Survey and Boundaries Act, 1897, expressly provides for civil litigation by persons aggrieved by any entries in the record.

7. With reference to paragraphs 3 and 4 of Mr. Wood’s remarks the Survey Committee have advised the amendment of the Madras Survey and Boundaries Act, 1897, so as to obviate duplication of appeals in the course of survey and settlement proceedings. The following extract from paragraph 43 of their report indicates the nature of the change recommended:—

We would observe that time is wasted by the existing procedure in regard to objections raised at survey and settlement. Appeals against survey proceedings are decided, under section 12 of the Madras Survey Act, by an upper subordinate officer of the Survey Department. As the

law now stands, the appellate authority must be the officer to whom the Survey Officer who passed the order appealed against is immediately subordinate. The Settlement Officer or officer in charge of a special staff has, on his side, to issue rough pattas and to invite objections to them. The objections raised before the Settlement Officer include practically all the objections raised before the Survey Officer, as objections to boundaries seldom involve different factors from those dealt with in objections to registration. If these officers arrive at the same conclusion, work is needlessly duplicated; if they arrive at different conclusions, their decisions must lead to confusion and uncertainty. Great inconvenience is caused through the Survey Officer having to deal with these appeals; either the ryots have to be dragged to a distant village, or the Survey Officer must break off his work in order to go back to the village and dispose of the appeal. In some districts, in which appeals were numerous, special officers of the Survey Department have been deputed for this work. A Settlement Officer, when hearing objections to rough pattas, is, in effect, giving the party the opportunity of raising all questions which he could raise under section 12 of the Survey Act, and we would suggest that this fact be recognized, that the separate notices by, and appeals to, officers of the Survey Department be done away with and that the Survey Act be amended accordingly. A revenue officer, before whom objections of a technical nature are raised, will naturally refer them for opinion to an officer of the Survey Department. Our proposal has received the unanimous assent of all survey and settlement officers consulted.

Subject 16.—SURVEY AND REGULAR LINES IN MUNICIPALITIES.

Mr. Wood states his views on the subject in the following terms:—

The revised rules for regular lines in municipalities should be expedited; and the work of laying down final regular lines should be pushed on. In order to enlist the proper co-operation of councils, and to provide them with funds for acquiring private strips of land where necessary, they should be allowed to sell strips behind the regular lines to the house-owners at the market price which they have to pay, and free of ground rent.

Secretariat note.

The order referred to by Mr. Wood is apparently G.O. No. 1487 M., dated 14th August 1912, wherein Government stated that orders would issue "in the Revenue Department amending the existing rules relating to regular line operations, so as more clearly to define their scope and purpose". With their Reference No. 2103, dated 23rd September 1912, the Board of Revenue submitted revised rules in regard to regular line operations.

The question was then subjected to discussion, with especial reference to the limitations imposed by sections 164, 165 and 165-A of the Madras District Municipalities Act, 1884 (as amended by Madras Act III of 1897). There were allusions to the confusion produced by dealing simultaneously with encroachments and with the regular line; it was observed that the final adjudication of a question of encroachment might take years and that the conclusions arrived at might affect the legality and appropriateness of regular lines laid down meanwhile on an assumption which was ultimately found to be unwarranted. Even if these objections were to some extent met by a change of procedure, it was pointed out that at best the potential advantages of laying down a regular line were dependent on the chances of demolition, dilapidation or destruction by fire. It was further suggested that municipal councils might be tempted to make some revenue by disposing of portions of streets under section 165-A, a course which might hereafter cost them dear. Lastly, it was observed that the problems raised by the process of making a regular line were matters of town improvement and that town improvement schemes were subjects for experts and could not therefore be safely entrusted to the officers ordinarily employed in connection with the work of survey or maintenance in towns. Having regard to such considerations as these, the Government decided in G.O. No. 3328, Revenue, dated 17th November 1913, that the laying down of the "regular lines" of streets in municipal towns in the course of town surveys should be abandoned and that such operations wherever they were being carried on should cease. With reference to this Government order and to G.O. No. 1584, Revenue, dated 2nd June 1914, the Board of Revenue has recently submitted revised rules for the conduct of town surveys, the consideration of which will shortly be taken up together with a report prepared by a special committee appointed to advise as to the most suitable form of map for use in urban areas.

Subject 17.—VILLAGE HOUSE-SITE SURVEY.

Mr. Wood's suggestion is conveyed in the following terms:—

Cannot the streets and poramboke in village nattams be surveyed? This seems essential if the pressure on the open communal land and the increased over-browsing is to be checked.

Secretariat note.

Roads and streets in villages included within unions are now surveyed as separate units at the cost of the local boards concerned under G.O. No. 121 L., dated 19th January 1914. The Survey Committee has come to the conclusion that within village-sites in general it should suffice to survey "Public Works Department channels, local "fund roads and any other really important cart-tracks and to mark public wells as "details." Anything beyond this, in the Committee's opinion, comes under the head of an urban survey and should be dealt with under the rules applicable to such surveys. Mr. Wood's suggestion will necessarily receive consideration in connection with paragraph 27 of the Survey Committee's report when the Board's remarks thereon are received.

2. The mapping of the details of streets and lanes in village-sites is of little practical use at present owing to the small scale of village maps—16 inches or 8 inches to the mile—and to the fact that the survey records supplied to the Revenue Department do not include the measurements of such details. The mapping of village-site on a separate sheet and larger scale would be expensive, but this may be considered expedient as an aid to the prevention of encroachments.

*Subject 18.—REVERSION OF VILLAGE SITE TO GOVERNMENT AND ASSESSMENT
OF BACKYARDS.*

Mr. Wood, who limits his remarks to the first question, namely, the reversion of village site to Government, states his views in the following terms:—

Cannot house-site in nattam revert to Government if left unbuilt upon by the owner? When house-site was originally set apart for houses, ought we to quietly allow the private owners to convert it into cocoanut topes, market gardens, etc., and *pro tanto* decrease the site available for house building? A good deal of the insanitary condition of the villages is due to this.

Secretariat note.

Reversion of village site to Government.

In the form of * patta issued for house-sites in villages under the rules laid down in Board's Standing Order No. 21, a condition is inserted stipulating that if the site is not built upon within the time specified in the patta or if the building is subsequently abandoned for a period of one year, the Government shall have the right to re-enter forthwith and to take possession of the site or the site and building, as the case may be. Thus, no difficulty should arise in case of house-sites assigned under the rules. But what Mr. Wood presumably has in mind is the common case of house-sites, not covered by any written grants, which have been in occupation from periods prior to the promulgation of the house-site rules. In such cases it is doubtful whether it would now be feasible to evict the occupiers on the ground that the land has been diverted from its legitimate use.

2. Paragraph 4 of Board's Standing Order No. 21 while permitting "the cultivation of vegetables, tobacco, etc., within the recognized limits of backyard included in a house-site," lays down that persons cultivating any portion of the village site, which is not a backyard, can be evicted under the provisions of the Madras Land Encroachment Act, 1905, *unless action is barred or appears inadvisable owing to long possession.*

3. When in 1909 the question of the treatment of vacant village sites arose in connection with the re-settlement of the Chingleput district, the Board stated that the legal question whether the holders can acquire a prescriptive right over village site by cultivating it for sixty years or more, and can successfully resist eviction by Government was not free from doubt, and advised that, until the point had been settled by a judicial decision, the classification of the land as village site should continue, but that assessment should be imposed on it whenever cultivated. The

Government in G.O. No. 2868, Revenue, dated 19th October 1909, directed that "puramanais † possessed by the same person or his representative in interest for sixty years and cultivated should be transferred to ayan and assessed", and that "the same course should be followed where, in default of absolute proof of sixty years' possession, there are large presumptions in favour of the possessor having enjoyed the land for that period".

4. In G.O. No. 2765, Revenue, dated 16th September 1912, the following rule was subsequently laid down in regard to the treatment of vacant village sites in the Chingleput district:—

Any persons who claim vacant sites as being the heirs of the paimash holders or otherwise should be required to prove their title. If they prove a title of an older date than 1891, when the present house-site rules came into operation, the sites should be assessed when it is found that they are not occupied for their legitimate purpose. Failing such proof of title, sites actually vacant on the ground should be entered in the vacant site register and should be assigned under the rules to *bonâ fide* applicants for house-site.

These orders which apply to the Chingleput district where the mirasi right is set up, apparently admit of application, with equal if not greater force, in other districts.

Assessment of backyards.

5. This and the following paragraphs deal with a connected question (not discussed by Mr. Wood) relating to the assessment of backyards.

At the meeting of the Legislative Council held on 11th November 1913, the Hon'ble Mr. K. R. V. Krishna Rao asked a question as to the practice said to obtain in the Gōdāvari and Kistna districts of "assessing at the highest dry rates extents "over 25 cents of attached backyards, irrespective of the area and needs of the house "built thereon" and "with a view to improve sanitation and remove congestion in "delta villages", suggested the cancellation of the orders directing the imposition of assessment in such cases. The question was repeated on the 20th November 1914 and 29th March 1915, but the Government had not then come to a decision in the matter.

The Board of Revenue in reply to a reference on the subject reported that the practice had been introduced in the Gōdāvari district for the first time in 1882 and adopted in Kistna in 1886, and that all detached backyards in both districts were assessed to revenue. In the opinion of the Board the tax was arbitrary and unproductive and ought to be abolished.

6. In answer to a further reference the Board stated that the revenue so levied on backyards in Gōdāvari and Kistna amounted to Rs. 7,076 and Rs. 6,424 respectively and recommended the adoption of the principles tentatively suggested by Government in the following extract from Official Memorandum No. 2132-B/13-2, Revenue, dated 21st March 1914:—

2. The Government are inclined to think that it is not expedient to call in question now the validity of any assignments made prior to 1891 or to levy any charge in respect of them.

It is observed that the present rules tend to discourage the use of the detached backyards assigned prior to 1891, whereas the use of such backyards for the housing of cattle, the storing of straw and other agricultural purposes is advantageous both on sanitary grounds and also as a safeguard against fires.

3. They accordingly consider that the present practice in Gōdāvari and Kistna should be discontinued, all existing backyards being recognized, in so far as they are not held in contravention of grants made subsequent to 1890, and the ordinary rules contained in Board's Standing Order No. 21 (1) being applied to future grants.

4. This will not, however, be held to alter the present recognized limit of 25 cents nor the Collector's power to assign a larger area in special cases.

But where the area now occupied exceeds 25 cents and the occupation is not known to have begun prior to 1891 or is not justified by the terms of a subsequent grant, either the excess area should be definitely recognized as free backyard or the occupier should be ousted under the Encroachment Act.

7. Further information being called for as to the practice prevailing in other districts, the Board submitted the statement printed as an appendix to this note, which shows in detail the systems prevailing in the different parts of the Presidency with regard to the assessment of attached and detached backyards, whether under occupation or cultivation, the approximate amount of revenue involved and how such charges are assessed in the absence of measurements and sketches.

8. The facts collected show that there exist numerous anomalies and inconsistencies in the matter of the levy of assessments on backyards. In the first place, in many districts no charge is levied at all. This is the case in Anantapur, Bellary, Cuddapah, Chittoor, South Arcot, Madura, Rāmnād, Coimbatore and the Nilgiris. In Gānjam no charge is levied except in the Goomsur division, while in Kurnool, Chingleput, Tanjore and Vizagapatam no charge is levied on backyards attached to houses but only on those detached from houses. In some districts, namely, Gānjam, Gōdāvari, Kistna and Guntūr, a charge is levied on backyards of 25 cents; in Trichinopoly and Salem, a charge is levied on backyards if the extent exceeds 12½ cents; in Nellore a charge is levied if the backyard exceeds three times the area covered by the house. Again in some districts the charge is levied only on the area cultivated, e.g., Gānjam, Nellore, Kurnool, Chingleput, Tinnevelly and Salem, while in other districts the charge is levied on occupation even without cultivation, e.g., Guntūr, Trichinopoly and some taluks of Vizagapatam, while in North Arcot the charge is levied only if

the backyard is cultivated with crops other than vegetables or garden crops. Thus, in almost every respect the procedure in the different districts varies. In most districts the receipts obtained from this charge on backyards are very small. In Salem and North Arcot the revenue is said to be trifling—

	RS.
In Kurnool the amount received is put down at	5
In Nellore do. do.	7
In Trichinopoly do. do.	20
In Chingleput do. do.	30
In Gānjam do. do.	25
In Vizagapatam do. do.	148
Total	235

The largest figures are as follows:—

Tinnevelly	400
Guntūr	843
Tanjore	1,120
Kistna	6,424
Gōdāvari	7,076
Total	16,098

The total return from assessment on backyard cultivation throughout the Presidency seems to be Rs. 16,098, of which Rs. 15,463 is collected in the four districts of Gōdāvari, Kistna, Tanjore and Guntūr.

9. The question on which expressions of opinion are invited is what action should now be taken to remove the anomalies which surround this subject. It seems quite clear that in the greater part of this Presidency, that is, in all districts except Gōdāvari, Kistna, Guntūr and Tanjore, the revenue derived from the assessment on backyard cultivation is too small to be worth retention and that in all districts except those four any charge on backyard cultivation may well be abandoned. There remains, however, the case of the four districts specified. When the Collector of Kistna was first asked about this matter, he remarked in his letter dated 13th November 1913, that he regarded the charge as perfectly reasonable, but in a subsequent letter dated the 19th July 1914, he said that, on the whole, he was disposed to drop the charge because it involves a great deal of inspection and account-keeping, more perhaps than the revenue is worth. The Collector of Gōdāvari, Mr. Elwin, stated that his divisional officers were in favour of remitting the charge, as it might eventually tend to the improvement of sanitation, but he remarked that it did not appear that the charge was felt as a hardship, as each individual paid only a very small amount.

10. The correspondence also shows the practical difficulties arising in the assessment of the charge on backyards when it is based, as should be the case, on cultivation. In order to make the charge accurate, annual measurements would be required and the difficulties which are involved in such annual measurements are brought out in the correspondence recorded in G.O. No. 3744, dated the 14th December 1912, when the order passed was that the work of measuring and mapping backyards should be abandoned on the ground that the labour involved was out of proportion to the revenue received.

11. The question involved however is not merely that of a surrender of revenue but the importance of preventing an excessive share of village site from being appropriated by individuals. There are already complaints about congestion in villages and it is significant that these are most marked in those districts where the villagers seem to receive the most liberal treatment as to the area which each can hold. The withdrawal of the claim to revenue for cultivation on excess areas might encourage excessive appropriation.

Moreover, the imposition of assessment involves the measurement of a number of very small sub-divisions. Since, however, these lie close together within the village site, far less labour is thrown on the karnam than would be the case were they, as are other sub-divisions, scattered throughout the village lands.

APPENDIX TO NOTE ON SUBJECT No. 18.

Name of district.	Whether in districts other than Godavari and Kistna (and Malabar and South Canara) any charge is made on backyard extents in excess of the scale laid down in paragraph 1 of Board's Standing Order No. 21 or whatever may be regarded as its local equivalent.	Whether in regard to such charge any difference is made between "attached" and "detached" backyards.	Whether if any such charge is made, it is levied only on cultivation.	Whether any deduction from any area charged is allowed on account of sites for houses, ricks, cattle-sheds, granaries and other agricultural purposes.	If any such is made, what is the approximate amount involved.	How such charges are assessed either in Godavari and Kistna in the absence of measurements and sketches.
Ganjam ..	Yes: but only in the Goomsur division.	The cultivation of detached backyards is charged irrespective of the extent, but attached backyards are charged only when any extent in excess of 25 cents is cultivated.	The charge is levied only on cultivation.	In the case of attached backyards a deduction is allowed on account of sites occupied by houses, sheds, etc., in arriving at the excess over 25 cents.	Rs. 25	....
Vizagapatam.	No such charge is levied on backyards attached to houses.	In the case of detached backyards a charge is levied.	In two taluks a charge is levied on detached backyards for mere occupation; in another taluk it is levied only on cultivation.	....	148	....
Godavari ..	....	....	....	....	..	The charge is based on actual measurements. In some taluks, measurements are taken and sketches prepared every year; in others, backyards have been measured once for all, and the extents arrived at by these measurements are adopted till there is some change when fresh measurements are taken and sketches prepared.
Kistna ..	....	....	....	....	..	
Guntur ..	Yes, as in Kistna ..	All excess over 25 cents in the case of attached backyards is charged: in the case of detached backyards, a charge is levied when one-half of the extent is left vacant, the vacant portion being charged, unless it is less than 5 cents when it is charged or not at the discretion of the divisional officer.	The charge is levied on occupation even without cultivation.		843	

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Appendix to note on subject No. 18—cont.

Name of district.	Whether in districts other than Godavari and Kistna (and Malabar and South Canara) any charge is made on backyard extents in excess of the scale laid down in paragraph 1 of Board's Standing Order No. 21 or whatever may be regarded as its local equivalent.	Whether in regard to such charge any difference is made between "attached" and "detached" backyards.	Whether if any such charge is made, it is levied only on cultivation.	Whether any deduction from any area charged is allowed on account of sites for houses, ricks, cattle-sheds, granaries and other agricultural purposes.	If any such is made, what is the approximate amount involved.	How such charges are assessed either in Godavari and Kistna in the absence of measurements and sketches.
Nellore ..	No; but the Collector has recently ordered that a charge should be levied on backyard cultivation if the extent cultivated exceeds 10 cents.	No ..	Only cultivation is charged.	....	Rs. 7	....
Cuddapah ..	....	....	....	....	5	....
Kurnool ..	No such charge is levied in respect of attached backyards.	A charge is levied in the case of detached backyards.	The charge is levied only on cultivation.	....	..	....
Bellary, Anantapur and Madras.	....	....	....	....	30	....
Chingleput..	No such charge is levied in the case of attached backyards.	In the case of detached backyards consisting of portions of house-site which have long been in private occupation, a charge is levied for cultivation.	The charge is levied only on cultivation.	....	..	....
Chittoor ..	....	....	....	....	..	....
North Arcot.	No such charge is levied ..	No difference is made ..	A charge is however levied, if backyards attached or detached are cultivated with crops other than vegetables or other garden crops.	The charge is levied on the extent cultivated.	The Collector reports that the revenue derived is trifling.	....
South Arcot.	....	....	....	....	1,120	....
Tanjore ..	No such charge is levied on attached backyards.	Cultivation of detached backyards is charged.	Yes ..	Only the extent cultivated is charged.	20	....
Trichinopoly.	Yes, on excesses over the scale laid down in Board's Standing Order No. 21 in all parts except the Namakkal taluk, and in the Namakkal taluk if the extents exceed 12½ cents.	Yes; but only in the Namakkal taluk.	The charge is levied for occupation, whether by cultivation or otherwise.	No ..	..	....
Madura ..	....	....	....	....	..	....
Ramnad ..	....	....	....	....	400	....
Tinnevelly ..	Yes, if the extent of backyard exceeds the local scale, viz., three times the extent of the house in the case of pattadars and twice in other cases.	No ..	The charge is levied only on cultivation.		..	

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Name of district.	Whether in districts other than Godavari and Kistna (and Malabar and South Canara) any charge is made on backyard extents in excess of the scale laid down in paragraph 1 of Board's Standing Order No. 21 or whatever may be regarded as its local equivalent.	Whether in regard to such charge any difference is made between "attached" and "detached" backyards.	Whether if any such charge is made, it is levied only on cultivation.	Whether any deduction from any area charged is allowed on account of sites for houses, ricks, cattle-sheds, granaries and other agricultural purposes.	If any such is made, what is the approximate amount involved.	How such charges are assessed either in Godavari and Kistna in the absence of measurements and sketches.
Coimbatore. The Nilgiris. Salem ..	 Yes, when the backyard extents are in excess of 12½ cents.	 According to the district rule, cultivation of all detached backyards is liable to be charged, but in the case of attached backyards a charge is leviable only if the extent cultivated is in excess of 12½ cents.	 The charge is leviable only on cultivation in the case of attached backyards but, in the case of detached backyards, it is leviable for occupation even without cultivation.	Yes	Rs. .. The Collector reports that the amount is very trifling as the charge has rarely been levied.	.....
Anjengo ..	.....	.....	.....	.....	.....	.....

Subject 19.—IMPROVEMENT OF RURAL SANITATION.

Mr. Braidwood's views are stated in the following terms:—

The need for this especially in the matter of protected water-supplies and anti-malarial operations is well known. The opening of additional dispensaries is also a crying need. Very little can be done with existing funds and establishments. The favourite system of half grants from Provincial funds cannot be carried very far, being limited by the Provincial funds at the disposal of Government and still more by the slender resources of the district boards.

It is suggested that a special sanitary land-cess of three pies in the rupee might be imposed.

2. An alternative would be to increase the general land-cess without the consent of district boards. There is much to be said in favour of this proposal. The non-official element on district boards is still backward and cannot be expected generally to consent to tax themselves for objects in which they don't believe.

Secretariat note.

The principle at present in vogue is to make grants from Provincial funds for rural sanitation; recent instances are afforded by the liberal grants for village roads and for the improvement of the rural water-supply, by the expenditure incurred on anti-malarial operations in Chingleput and Cuddapah, and by G.O. No. 397 L., dated 9th March 1915, in which a contribution on account of *medical relief* amounting to half the cost of all new hospitals and dispensaries has been promised. There are other ways in which Provincial funds are used to assist local bodies: in fact some of the yearly administration reports suggest that the local boards find considerable difficulty in spending the money which they have got.

2. The question of enhancing the land-cess is under the consideration of Government. Under section 57 (1) of the Madras Local Boards Act, 1884, a cess subject to a maximum of one anna in the rupee is leviable on the annual rental value of land, in all districts except Malabar, South Canara and the Nilgiris, where for special reasons the maximum has been fixed at two annas in the rupee. In 1913 the President of the Coimbatore District Board reported that the condition of village roads was deplorably bad and caused great and avoidable loss to the ryots, especially in dry tracts, and that it was impossible to find money from the Board's funds for improving this state of things. The Board accordingly requested Government to take power by legislation to increase the maximum rate of land-cess leviable in the district from one anna to two annas in the rupee, so as to furnish the additional funds required. The Government were generally in favour of legislation to amend section 57 (i) of the Act, so as to put all district boards on the same footing as Malabar, South Canara and the Nilgiris and in G.O. No. 1275 L., dated 4th August 1913, requested all other district boards to submit their views on this proposal. Replies have been received and the matter is now under consideration.

3. In paragraph 30 of their resolution on local self-government the Government of India observed that proposals in regard to the raising of land-cess would need careful consideration on their merits but they did not consider that the present occasion was suitable for any final pronouncement on the subject.

Subject 20.—NON-OFFICIAL PRESIDENTS AND VICE-PRESIDENTS OF DISTRICT AND
TALUK BOARDS.

Mr. Wood urges that "the appointment of non-official presidents of district boards would be a mistake and that non-official presidents of taluk boards lose in efficiency although they relieve divisional officers".

Secretariat note.

Appointment of non-official presidents of district boards.

There are no non-official presidents of district boards in this Presidency at present. A resolution was moved at the meeting of the Legislative Council held in February 1912 by an additional member, the Hon'ble Mr. M. Ramachandra Rao Pantulu, that a non-official should be appointed as president of at least one district board; it was opposed by the Hon'ble Sir Murray Hammick in the following terms:—

I rest our opposition to this movement mainly on the ground that the Royal Commission that came out to this Presidency to advise on our future local self-government were most distinct in maintaining that, for some years to come, District Collectors should be presidents of district boards. I am also against it, because the areas of our districts are far too large to give a non-official president a fair chance. As I say, I believe that the way in which we should encourage local self-government is not by beginning at the top, but from the bottom, working up from the panchayats to the taluk boards. We have taken the necessary step in the matter of taluk boards by allowing three taluk boards to elect their own presidents. We all hope that that will be a successful move. At present, we are not prepared to go any further than that.

2. Two non-official members—the Hon'ble Diwan Bahadur Ramabhadra Nayudu and the Hon'ble Rao Bahadur Tiagaraya Chettiyar—also opposed the resolution on the ground that unless and until success in the administration of taluk boards with non-official presidents was established it was too early to claim the privilege of asking for non-official presidents for district boards. The latter also pointed out that "it is not possible for an Indian to spare time to go round and get all the information that is collected by the Collectors." The resolution was put to vote and lost.

3. In their recent resolution on Local Self-Government Policy the Government of India have accepted the opinion of the Decentralization Commission that an official should remain the chairman of every district board, "though they have no objection to non-official chairmen being retained where such exist or appointed where a Local Government or Administration desires to make the experiment".

4. Difficulty has been experienced already through non-official presidents of taluk boards finding it inconvenient to do the minimum touring expected of them (a month in a half year); the question of appointing non-official presidents of district boards cannot perhaps be regarded as coming within the range of practical politics for the moment.

Appointment of non-official vice-presidents of district boards.

5. At the meeting of the Legislative Council held on 16th February 1912, the Hon'ble Rao Bahadur M. Ramachandra Rao Pantulu moved a resolution to the effect "that some selected district boards be authorized to elect non-official vice-presidents". The resolution was withdrawn with reference to the following remarks of the Hon'ble Sir Murray Hammick:—

It must be obvious to the Honourable Members of this Council that unless the president has complete confidence in the vice-president, there is certain to be friction. The president cannot relieve himself under the Act from responsibility for the working of the board; and therefore he must put in a man as vice-president in whom he has entire confidence, before he can allow the board to be run by him. We have told the Government of India that we shall be quite ready to examine this question, if and when the experiment which we

have recently introduced in the case of our taluk boards proves a success. As the Honourable Members know, we have allowed vice-presidents of taluk boards to be elected; and if that experiment proves a success, it is quite possible that in a few years' time we may extend it to the district boards; but the Government do not think it right or suitable to move in that direction now.

6. At the same meeting of the Legislative Council the Government accepted another resolution of the same Additional Member to the effect that, where it was found necessary to appoint vice-presidents by nomination, non-officials be selected, wherever possible, and orders were issued in G.O. No. 556 L., dated 10th April 1912, requesting presidents of district boards, when submitting nominations to fill vacancies in the post of vice-presidents of district boards, to make every endeavour to find suitable non-officials to undertake the work.

7. The subsequent administration reports of the district boards concerned seem to show that the system of nominating non-official vice-presidents has worked satisfactorily.

It may be observed that, in the case of the Tanjore district, in particular, one of the heaviest, if not the heaviest, district board charge in the Presidency, it has hitherto been thought inadvisable to introduce the system.

Appointment of non-official presidents of taluk boards.

8. In connection with a resolution proposed by the Hon'ble Mr. Raghava Rao Pantulu at the Legislative Council meeting of 21st February 1911 to the effect that at least one taluk board in each district should appoint its president by election, the Government called for a report from presidents of district boards, inviting special attention to the possible objection that only revenue divisional officers and tahsildars could command the help of the taluk and village establishments. On receipt of replies, the Government sanctioned the introduction of the system in three taluk boards, viz., Cuddalore, Ellore and Chittoor, as an experimental measure. They also directed that official members of those taluk boards should not be allowed to stand for election.

9. At about the same time, it was suggested that, in addition to permitting the election of non-official presidents, the Government might themselves nominate non-officials of proved merit and ability as presidents in selected taluk boards. The Government, in their Order No. 1170 L., dated 6th September 1911, called for reports from presidents of district boards and subsequently sanctioned, as a temporary measure, the introduction of the nomination system in the following taluk boards:—

District.	Taluk board.	District.	Taluk board.
Godavari ...	Cocanada.	Tanjore ...	Mayavaram.
Guntur ...	Tenali.	...	Negapatam.
Kistna ...	Bunder.	Vizagapatam ...	Vizagapatam.
Madura ...	Madura.	...	Vizianagram.
Nellore ...	Nellore.		

10. In 1914 the Government, in consultation with the presidents of district boards, extended the system of nomination to the following taluk boards:—

District.	Taluk board.	District.	Taluk board.
Vizagapatam ...	Parvatipuram.	North Arcot ...	Vellore.
Godavari ...	Rajahmundry.	South Arcot ...	Chidambaram.
Guntur ...	Guntur.	South Canara ...	Mangalore.
Anantapur ...	Anantapur.	Malabar ...	Calicut.
Kurnool ...	Kurnool.	Salem ...	Salem.

Subsequently, in G.O. No. 1207 L., dated 4th July 1914, the system was extended to the Peddapuram Taluk Board in the Godavari district.

11. The Royal Commission on Decentralization were of opinion that officials should continue to be chairmen of district and sub-district boards. They suggested that the removal of the district and sub-divisional officers from the presidentship of rural boards might have the effect of dissociating them from the general interests of the district in such matters as roads, education, sanitation, etc., and of divorcing them from healthy contact with instructed non-official opinion. They differentiated the

circumstances of rural boards from those of municipalities, on the grounds that the latter were less connected with general district administration, that they had reached a higher level of political education and that their jurisdictional area was much smaller and more compact.

In their recent resolution on local self-government the Government of India have expressed their general concurrence with the views of the Decentralization Commission, though they have no objection to the retention of non-official chairmen (presidents) where they exist or even to their appointment in new areas in which a Local Government or Administration desires to make such an experiment.

12. It is still too early perhaps to say whether the experiment of appointing or electing non-official chairmen is a success. The experience of Negapatam has not been encouraging. In Calicut a non-official president found himself unable to perform the required amount of touring. The President of the Chittoor taluk board has found three years of the work sufficient. In another district a non-official president has been exercised by the question whether he should address tahsildars by means of orders or letters. In other cases the reports are more encouraging. The relations of non-official presidents of taluk boards to tahsildars, to the local fund engineering staff and, generally, to the revenue, taluk board and village establishments seem to constitute the chief difficulty. The difficulty can be (and often has been) got over by tact and mutual forbearance, but it cannot be said that it has yet been completely solved.

Appointment of non-official vice-presidents of taluk boards.

13. In 1908 the privilege of electing vice-presidents was extended to all taluk boards. In 1911 this privilege was withdrawn from the taluk boards of Cuddalore (in the South Arcot district), Ellore (in the Kistna district) and Chittoor, on whom the privilege of electing their own presidents had been conferred. The subsequent administration reports of district boards afford fairly strong evidence that the system of electing non-official vice-presidents of taluk boards has worked satisfactorily.

14. The appendix printed below contains a note on the general question subsequently received from Mr. Hemingway.

APPENDIX.

Mr. Hemingway's note.

I have personally found the co-operation of non-official vice-presidents of district and taluk boards of great assistance and I am in favour of their appointment and full employment. If well selected—and it is generally easy to select good men—they are of great help not so much in disposing of routine as in presenting a fresh point of view on problems other than routine. I have not had any experience of their independent exercise of important powers since I have always preferred to use them more as personal assistants than as delegates. As personal assistants they are of great assistance.

2. I feel very strongly that the appointment of non-official presidents of local boards is a wrong step and is a step moreover which is not desired by the overwhelming majority of the people whose interests are concerned. I do not solely confine myself to considerations of efficiency since I recognize that it would be reasonable to sacrifice a certain amount of efficiency in trying to reach an ideal which was in itself desirable. There would indeed be a serious loss of efficiency to which I will advert later, but my main feeling is that the ideal aimed at is fundamentally mistaken. The divisional officer in his division and the Collector in his district are mentally mistaken. The divisional officer in his division and the Collector in his district are recognized, I should say, almost universally within their respective charges as being the embodiment of the executive power in the same sort of way that His Excellency is recognized as being the embodiment of the executive power in this Presidency. And perhaps my meaning could be better illustrated by saying that it would to the ordinary villager seem as inappropriate that the Collector should not be president of the district board as that His Excellency should not preside at the Legislative Council meeting in Madras. What is the basis of this feeling and what is its rationale it would not be very easy to analyse. In the first place it would look as though the Government were ceasing to govern; which would come as a shock of surprise to the ordinary ryot, who considers that it is the duty of the Government to govern. In the second place and perhaps for this reason it will greatly undermine the influence of the district officer in his district which, I submit, would be a pity. In the third place it runs counter to what I believe for many years to come is the correct line of advance in this Presidency, namely, the cordial co-operation in matters of local self-government between the official and the non-official. A combination of the official and non-official is of course more likely to be efficient than the dissociated action of

either since each will have different experience and different points of view. Again, anything which makes for antagonism between the official and the non-official is most rigorously to be kept in the background. Our ideal should be that they should work harmoniously together in the gradual development of what is best for the districts. Collectors and divisional officers already are to some extent, and certainly should continue to be, regarded as the natural leaders of the people in their charges in all public matters.

3. The argument from efficiency is also a strong one. It will, I believe, be found desirable in a few years time to give very much larger powers to local bodies of administration and even of taxation than they possess at present. The work of the local boards is already almost the most important work that goes on in the district. Serious inefficiency in such work will be a grave disaster. That a non-official vice-president would be less efficient than the official is, I think, pretty certain. Want of time and want of administrative experience would necessarily handicap them. Secondly it must be remembered that a great deal of taluk and district board work is actually carried out by the subordinates of the Revenue Department whose willing co-operation is very largely due to the fact that the president of the taluk board or the district board is the divisional officer or the Collector, as the case may be. These men will certainly not work so willingly or so heartily for a non-official. Moreover it is to be feared that the divisional officer himself may tend to lose interest in the work of his taluk board if he ceases to be the president. I know an instance in which a deputy collector confessed to me that this was the case. And lastly and perhaps most important of all, it will be found, I am convinced, infinitely harder to obtain the high standard of public duty and endeavour to arrive at the best solution of the administrative problems which is now generally to be found in local boards. The contrast with municipal administration will illustrate what I mean. Faction and self-interest loom very largely in the deliberations of almost every municipal council in the Presidency. They are, I should say, almost entirely absent from district and taluk boards, and this, I believe, is entirely attributable to the presence of a respected and trusted official in the chair.

4. I deplore the movement that has already been made in this direction and I hope the Government so far from advancing further in that direction will retire from the position they have already taken up. I may add that the very moderate degree of success obtained by municipal administration is really irrelevant. I should be inclined to think that the success was very small and it is undoubtedly the case that the task is very much more easy. The interests involved in success or failure are incomparably smaller than those involved in the administration of district and taluk boards.

5. Finally I may add that the work of a district officer would lose the greater part of its interest if he was dissociated from the interesting and important functions which belong to local boards.

Perhaps I might add that I have no objection to an almost indefinite delegation of the executive powers of a president provided he retained his general control.

Subject 21.—CONSTITUTION OF DISTRICT AND TALUK BOARDS.

Mr. Innes suggests a discussion of "the working of the elective system in local boards".

Secretariat note.

Elective system in district boards.

For nearly thirty years half the members of district boards have been elected by taluk boards from their own body.

2. In connection with the proposals of the Decentralization Commission, it was suggested by this Government that the representatives of taluk boards, sitting as elected members of district boards, should themselves elect additional members up to a limit of one-sixth of the sanctioned strength of the whole board, candidates being chosen from persons resident in the district and possessing the property qualifications which would qualify them for election to a taluk board. An advantage claimed for this suggestion was that local residents of good social position would feel no scruples about presenting themselves for election before a constituency of this select character.

3. Non-officials have frequently put forward the suggestion that official members of taluk boards (including village officers) should be prohibited from standing as candidates for election to district boards. A resolution on the subject was moved at the Legislative Council meeting on the 2nd February 1915. The views of district boards have since been called for; their replies are awaited.

Elective system in taluk boards.

4. In G.O. No. 303 L., dated 26th July 1909, the Government ordered, with effect from 15th July 1909, the introduction of the elective system with regard to taluk boards and fixed the proportion of elective seats at one-third of the strength of the board. In 1911 the proportion was raised to one-half, with effect from the 5th January 1912. The following tabular statement shows to what extent advantage has been taken of electoral privileges from 1909-10 onwards:—

Year.	Number of elective vacancies.	Number filled by nomination through failure to elect.	Number filled by election.		Percentage of voters who went to the poll.
			Uncontested.	Contested.	
1909-10	95	11	47	37	42.8
1910-11	273	46	140	87	41.0
1911-12	100	26	48	26	38.5
1912-13	258	35	166	57	50.0
1913-14	234	30	125	79	44.5

5. The elections for taluk boards seem, by comparison with municipal elections, to be free from the element of corruption, but it does not appear that much general enthusiasm has been shown by the electorate in exercising their privileges. A voter may find it inconvenient to go some distance to the polling centre; a candidate may find it difficult to get into touch with the electorate; a voter has fewer obvious and intimate advantages to expect from a candidate in regard to local fund matters than is the case in regard to municipalities. In the comparative absence of active contest it is possible that the introduction of the electoral system has not materially changed the character of the membership of taluk boards, and there is nothing in the character of recent administration reports to suggest any radical change in this respect. The Government are not, however, in possession of positive evidence on this point, one way or the other.

Subject 22.—MAINTENANCE OF INTER-DISTRICT ROADS.

Secretariat note.

This subject has not been brought forward by any particular Collector, but the Government desire to invite expressions of opinion on the following issues:—

(i) Whether there is at present a lack of co-ordination between the different districts in the matter of maintaining through lines of road communication? Does, for instance, one district maintain a trunk road in reasonable order and the next district either neglect it or maintain it at a very much lower standard?

(ii) Is closer co-operation between local boards in this matter necessary and desirable, and if so, what steps can be suggested to ensure such co-operation?

(iii) If co-operation is held to be necessary, should all inter-district roads be so dealt with, or should any system of common action and common supervision be confined to certain selected trunk roads excluding others which, though they pass from one district to another, are not regarded as main arteries through the Presidency?

It is *not* intended to raise the issue of provincial *versus* district board maintenance of trunk roads.

Subject 23.—EDUCATION AND LOCAL BOARDS.

Mr. Braidwood's views on the subject are stated in the following terms :—

I would suggest, for the consideration of the Conference, that the supervision of education should be entirely removed from the local boards. Education is a matter for experts. There is no point in making presidents of taluk boards responsible for appointments, punishments, etc., of masters in board schools. The educational officers can do this and their recommendations are almost always accepted. Inspectors of schools should be able to prevent abuse of their powers by their subordinates.

2. The finances of the local boards can also be relieved by being entirely freed from bearing the cost of education. Some such relief is absolutely necessary unless fresh taxation is imposed. Expenses under every head are going up and local boards cannot adequately discharge the duties imposed upon them.

3. As an alternative increased taxation must be imposed without the consent of the local board.

Secretariat note.

If Mr. Braidwood's proposal is intended to convert the separation which already exists between the educational and administrative departments into a complete divorce, it is one that requires very serious consideration.

2. The stages of the separation so far accomplished may be briefly noted. Prior to the educational despatch of 1854 there were tahsildari and collectorate schools, and the control of education was to a very large extent in the hands of the district officer. The despatch of 1854 was responsible for the constitution of a separate department for education, which gradually developed into "a system of working more or less distinctively its own", though the despatch itself imposed on the principal officials in every district the duty of aiding the extension of education.

3. The result of the operation of the system so introduced was reviewed by the Indian Education Commission of 1883, who examined the extent to which officers outside the department co-operated and exercised influence in spreading education. They seem to have found Madras the worst of the provinces in this respect and mention that in Madras there was no regular inspection of schools by "other officers of Government". In Bombay all district officers from the Collector to the mamlatdar were required in the course of their regular tours to pay frequent visits of inspection to the primary schools situated within their respective charges and they were occasionally present at the annual examinations of the schools by deputy inspectors; in Bengal the District Magistrate was in entire charge of primary education and he distributed and administered the primary grants under the general authority of the Director; similar arrangements were in force elsewhere. The Commission strongly recommended that it should be laid down as a duty of revenue officers to visit the schools within their jurisdictions, adding :—

The influence of the district officer at any rate is so great and the advantages of showing the people that he interests himself in their education are so manifest, that it is very desirable that his official connection with all the schools in his district should be definitely declared in accordance with the existing rule in Bombay.

4. In the quinquennial review for 1892-93 to 1896-97 Mr. J. S. Cotton remarked that in Bombay the revenue officers systematically visited the schools, wrote minutes in the visitors' books and sent copies to inspectors; and declared this to be "most valuable, both on account of the influence of the officers and the real and living knowledge they possess of the state of the people and their wants." The Government of India in a resolution thereon invited the attention of the Provincial Governments to the recommendations made by the Education Commission and pointed out that revenue officers had in no way been relieved of their duties in regard to education by the transference of the schools to other bodies and that it must be regarded as all the more

incumbent upon them to attend to them when the direct charge had ceased. The Madras Government, while admitting the desirability of this course, pointed out to the Government of India that Madras Collectors were so much occupied with their other duties that beyond occasional attendance at prize-givings they could not be expected to do much in the way of inspection and examination, though more might be done by divisional officers in this direction. A circular was also issued to the latter effect. At the same time provision was made in the Inspection Code that inspectors and inspectresses should make it a part of their duty to confer on educational matters with Collectors and other officers.

5. The quinquennial review for 1897-98 to 1901-02 again reiterated the Education Commission's recommendation and pointedly said that the duty of the district officer and his subordinates in encouraging the progress of education was a very important one, since the district officer, owing to his influence with, and his intimate knowledge of, the people, was in a position to render the most valuable aid to the cause of education.

No further local orders appear to have issued. On the other hand the concern of the local boards, and incidentally of the Collectors and divisional officers, with education, was largely diminished in 1907 and 1908 by the provincialization of the establishment of supervisors and the cessation of payment of teaching grants to elementary schools through local boards.

6. The next public declaration of the importance of the district officer's association with the education of the area in his charge was made by the Royal Commission on Decentralization. The Commission observed as follows in this connection :—

In a country like India it is specially important to prevent any system of Government by professional experts. . . . It is a distinct weakness in an oriental country that there should be no local officer to whom the people can go with general grievances, and that they should come to regard the Government as a mere collection of scattered and independent departments. It appears necessary, therefore, to have a local co-ordinating authority, and this function should be assigned to the divisional commissioner.

The following extract from the evidence before the Commission given by Sir Herbert Risley is also to the point :—

My experience is that a district officer who takes a genuine interest in education is in a position to exercise valuable influence on both high schools and colleges at his headquarters. The extent of his influence must of course depend to some extent on his personal qualities, but his experience in affairs and his administrative training will always be of use to those institutions, and it seems desirable that some means should be devised of giving him a recognized status in relation to them. I suggest that this might be done by making him a member of the governing body of a college or of the managing committee of a high school. In the case of normal schools he would make occasional inspections and would watch the effect of their working on the quality of teachers in primary schools.

The Commission accordingly recommended that the Commissioner (Collector in this Presidency) should have the power to call for information from inspectors of schools, to express views and to stop any action of the Educational Department within his division which he considered undesirable, and that no new Government college, secondary school or training or technical school should be started and no alteration should be made in the status of an existing institution of any of these kinds without the Collector and Commissioner being consulted.

7. The Government agreed that Collectors were in a position to assist educational officers with valuable advice and that it was desirable to bring the district staff into closer touch with the Educational Department and they accordingly accepted the recommendations of the Royal Commission noted above; but no definite instructions to district officers have yet issued beyond the statement contained in paragraph 60 of the resolution on educational policy (1913) in which the Government of India have stated that they wish generally to utilize to the full the support and enthusiasm of district officers.

8. Lastly, in proposing the re-organization of the inspecting staff, the Director of Public Instruction, Mr. Stone, admitted that the co-operation of the Educational Department with other departments of the Government, on which educational

development so much depended, had hitherto been much less complete than was to be desired; and the proposal to employ district inspectors was stated to be a step to remedy that defect.

* Including the inspector of European and training schools.

† Messrs. Douglas (nearly two), Melville (nearly four), Ransford and Green (just over five years' service).

Mr. Champion (nearly seven) and Messrs. Yates and Grieve (about nine years).

9 As matters now stand there are ten * inspectors of schools. Of these, seven only have received a European education themselves. Of these, again four † have less than six years' experience of the country and none so much as ten years.

10. The educational budget amounts to Rs. 77.69 lakhs. With the expenditure of this very large sum of money the general administration, as represented by the Collectors, has little or nothing to do. An industrial school costing nearly a lakh might conceivably be erected at a Collector's headquarters without his being informed: large grants might be given to schools whose tone he considered thoroughly bad: expensive sites might be acquired through his agency when he could acquire equally suitable ones at half the price.

11. Meanwhile a curriculum has grown up which is Greek to many Collectors. Instead of reading, writing and arithmetic the boys are taught action songs, civics, nature study and space and number work. The first thing to be done with them when they come into an office often is to teach them to write. The following extract from a recent report of the Collector of Ganjām in relation to a scheme for the education of the Savaras is particularly relevant to the proposition that education is a "matter for experts" :—

It is essential for the success of the scheme that the management of the school (for the education of the Savaras) should be entirely in the hands of the Agency officers. . . . The educational Department should have nothing at all to do with the scheme. To put the matter quite plainly, we do not want to have educational officers coming round and writing voluminous notes of inspection recommending "concentric methods" and "heuristic methods", the "direct plan", "correlated schemes" and other similar shibboleths of the department. The past history of the department's relations to Savara and Khond education makes it practically certain that in its hands the present proposals will prove another dismal failure. The most important of the proposals which were approved in G.O. No. 251, Educational, dated 7th May 1901, and of those approved in G.O. No. 367, Educational, dated 31st May 1905, still remain a dead letter, and for this neglect the Educational Department is responsible.

12. Apparatus multiplies exceedingly. One high school has Rs. 25,000 worth, mostly paid for by Government. The most ordinary school may be condemned by an inspecting officer, if the master draws circles on a blackboard with chalk and a piece of string instead of a blackboard compass. Some of the apparatus leads itself only too readily to ridicule, e.g., Phillips' picture of the Hindu offering his wife a pigeon for a dinner under the shade of a plantain tree (which the author calls a banyan), while a Raja on an elephant prances by. Expensive collections of geological specimens are generally of stones found in Europe.

13. Education is doubtless in one sense a matter for experts, but the views of the expert should not be allowed to run counter to common sense, which it is the function of the Collector and the members of the local boards, as representatives of the parents and financial supporters of the schools, to supply. What is not reported on is not done, and it is for consideration whether more instead of fewer duties in regard to education should not be imposed on local boards and their presidents.

14. To divorce the local boards from any share in the management of schools would materially curtail the scope of their operations and interests and would also be in violation of the precept that he who pays the piper should call the tune. District boards are seldom averse to accepting the well-considered opinions of the educational experts; cases of frictions are rare and, when they arise, can usually be referred back, not to any question of principle, but to some point of patronage, in regard to which each party has his own axe to grind.

15. The legal position of local boards may next be indicated.

In the first place sections 44 and 45 of the Madras Local Boards Act, 1884, confine to presidents of local boards the power of appointing and punishing their servants. The Act provides for delegation, but only in favour of vice-presidents.

Secondly, under section 95 of the Act, as it now stands, local boards are bound to devote a portion of their funds to education.

16. On the general question raised an expression of opinion was recorded by the Local Self-Government Committee of 1882, which adduced the following arguments in favour of the policy of handing over the control and management of Government primary and middle schools in rural areas to local boards:—

In connection with the subject of board schools, all or nearly all Government middle schools should, in our opinion, be made over to the control of the district boards, who should have the full option of transferring the school to union or private agency or to the direct control of the taluk board. The transfer of the schools of this class and of the inferior departments of superior schools is now being gradually effected, and is, it is noted, in direct accord with the suggestions of the Government of India in their letter No. 930 of the 31st May 1882. There is no reason to fear that the management will suffer. On the other hand, these schools will unquestionably be maintained on a more economical basis than is now the case, whilst their standard will be fixed more in accord with the wishes of the people.

17. Again, the Royal Commission on Decentralization in paragraph 752 of their report held that local boards should have charge of middle vernacular as well as of primary education, provided that their duties in the latter respect were fully discharged. This recommendation was accepted by the Madras Government in the following terms:—

The principle is already observed in this Presidency that primary education should be the first and most important charge upon local funds set apart for educational purposes, and this Government agree that local boards should also be invested with the charge of middle vernacular education in so far as their funds permit. As a matter of fact, taluk boards already hold such charge, and no objection is ever raised to their maintaining the higher elementary schools which in Madras correspond to middle vernacular schools.

18. With reference to the possible need for increased taxation mentioned in paragraphs 2 and 3 of Mr. Braidwood's note, it may be mentioned that Government have now under consideration a proposal to amend the Madras Local Boards Act, 1884, so as to provide for the levy of land-cess at enhanced rates.

Subject 24.—POLICE RE-ALLOCATION SCHEME.

Mr. Innes outlines his views on the subject of the police re-allocation scheme in the following terms:—

I am not going to make any violent attack on the scheme and probably the main points I shall endeavour to make will be the following:—

- (i) A brief description of the objects and principles of the re-organization.
- (ii) Certain obvious difficulties probably special to Malabar which militate against the success of the scheme in Malabar.
- (iii) The scheme, however, has undoubtedly been so far a success in that the investigating officers are now much more honest and respectable than they used to be and do not stoop to the devices of the old station-house officer.
- (iv) On the other hand, as judged by statistics of detection, etc., the work of the police is less efficient than it used to be.
- (v) Possibly crime is better reported and certainly there is less villainy, but the main explanation must be found in defective work of the sub-inspectors many of whom, though nice respectable fellows, are entirely unfitted for their job.
- (vi) More care is required in their practical training and above all a more vigorous exclusion of the unfit is necessary.
- (vii) Also, in order to give them a fair chance, a strengthening of the prosecuting staff is required.

Secretariat note.

The main objects and principles of the police re-organization are to improve the organization, training, strength and pay of the different ranks of the force with a view to securing adequate preservation of the public peace, to ensure better reporting, detection and investigation of crimes, to provide for better control of superior officers over investigation so as to prevent oppression by the subordinate police and to make the pay and prospects of the department sufficiently attractive to induce the proper stamp of men to enter the police service.

2. It has been frequently represented by the District Magistrate of Malabar and the Inspector-General of Police that there are special difficulties in that district which render a large number of stations necessary. Such difficulties are the existence of fanatical and troublesome Mappillas and the absence of the regular village system and village talaiyari establishment. It is rare for the amsam adhikari to report crime to a station promptly and the police and the adhikaris seldom co-operate as they should. The out-posts provided in this district are more numerous and stronger than elsewhere. The total number of stations was reduced at the re-organization from 106 to 39; ten additional stations have since been opened.

3. In the Presidency as a whole the total number of stations was reduced from 1,662 to 961 and there has been a net increase of 24 since the re-organization, making a present total of 985. It will be seen from the statement below that even after the reduction the Madras stations, as judged by the tests of area, population and crime, are still more numerous than in most other Provinces:—

	Number of police stations.	Average area attached to a police station.	Average population for a police station.	Average grave crime for a police station.	Average of all kinds of cognizable crime for a police station.
		SQ. MILES.			
Bombay	467	256	40,091	48	72
United Provinces	845	127	55,837	130	185
Central Provinces	413	248	33,696	62	84
Bihar and Orissa	517	161	66,712	73	108
Bengal	468	157	94,985	127	189
Madras	985	144	42,010	35	180

The following are the corresponding figures for the different parts of Malabar so far as statistics are available :—

	Number of police stations.	Average area attached to a police station.	Average population for a police station.	Average grave crime for a police station.	Average of all kinds of cognizable crime for a police station.
Malabar district	49	sq. MILES.			
Wynaad taluk	4	118	61,533		
Other taluks of Malabar excluding the Wynaad	45	205	20,637		
		110	65,167	29	138

It must be remembered in this connection that a station is an expensive matter. The recurring cost of an ordinary station amounts to about Rs. 4,000 per annum and the non-recurring charges for station house and quarters to about Rs. 13,000.

4. Investigations are now conducted by sub-inspectors, who are of a higher class and should be better trained than the old-time head constables.

5. Crime has undoubtedly increased. This increase began before the re-allocation scheme took effect. It has, however, been enhanced by the registration of cases difficult of detection which the old head constables never brought into their books; and Madras still remains the least criminal of the major provinces. Although the recorded percentage of detection is decreasing, it is comparatively higher in Madras than elsewhere, as appears from the following comparative statement of cognizable crimes and percentage of detection in the several provinces :—

Year.	Madras.		United Provinces.		Bengal.		Bombay.		Central Provinces.	
	Total number of cognizable crimes.	Percentage of detection in the number investigated.	Total number of cognizable crimes.	Percentage of detection in the number investigated.	Total number of cognizable crimes.	Percentage of detection in the number investigated.	Total number of cognizable crimes.	Percentage of detection in the number investigated.	Total number of cognizable crimes.	Percentage of detection in the number investigated.
1905	51,184	* 72	145,282	* 48	76,385	* 50	33,917	* 77	18,491	* 55
1906	51,222	71	149,690	50	87,816	50	33,690	76	19,553	53
1907	50,307	73	153,571	50	88,339	47	31,421	74	22,196	49
1908	52,995	72	163,728	52	101,544	46	35,532	71	29,942	50
1909	52,888	71	132,316	49	84,982	44	36,539	71	27,607	54
1910	52,254	69	125,659	47	76,321	52	35,350	75	23,810	51
1911	52,947	67	129,565	45	73,592	41	37,388	72	24,465	51
1912	57,408	65	120,314	40	69,870	42	43,959	71	26,773	48
1913	58,335	76	..	..	..	..	43,074	71	..	..

* Fractions of less than $\frac{1}{2}$ have been omitted and $\frac{1}{2}$ and more than $\frac{1}{2}$ have been taken as 1.

6. The sub-inspectors receive a careful training in the Provincial training school at Vellore for one year, and after leaving the school they are posted to districts to undergo practical training for a further period of one year. The post of sub-inspector is undoubtedly less attractive than posts on similar pay in other departments, and the best men have not always been secured. The sub-inspectors have not had time, however, to prove themselves yet; they are in a very difficult position between the old-time head constables and the old-time inspectors, and they are believed to be honest.

7. By their practical training it is understood that their training in the districts is referred to. The efficiency of this training must depend largely on the individual District Superintendents of Police. The instructions issued by the Inspector-General regarding this training are printed in the appendix to this note.

8. Proposals for increasing the prosecuting staff are under consideration.

APPENDIX TO NOTE ON SUBJECT No. 24.

Training of sub-inspectors.

Every probationary sub-inspector should be attached to a good inspector, whose character is above suspicion. As sub-inspectors are men of considerable intelligence, it is not necessary to keep them for any lengthy period learning the duties of a constable or a head constable. There is, in fact, no occasion to make a sub-inspector perform such routine constable's duties as high road patrol, service of summons and the like. It is advisable, however, that the inspector should send the sub-inspector occasionally to villages for a special object, such as to check K.D.'s or gangs, follow up a clue, search a house or execute a warrant. In the course of such work the sub-inspector will meet the village munsifs and principal villagers, and the inspector should be able to judge, from the result of the sub-inspector's mission, whether the latter has conducted himself in a tactful and courteous manner to these people.

2. It is most important that a probationary sub-inspector should accompany the inspector on the investigation of cases and that he should follow up at least three grave cases from the commencement of the investigation until their final disposal in court. If the conduct of the prosecution in any of these cases falls into the hands of the prosecuting inspector or sub-inspector, the sub-inspector should be with him when he is examining the evidence and conducting the case in court. In this way the sub-inspector will learn how to investigate and will also gain experience as to the value of evidence and the weakness in it of which the defence have taken advantage.

3. As opportunity arises the sub-inspector may be posted for short periods as general duty head constable and guard officer. He should also attend the inspector when the latter inspects his stations.

4. Training in the above duties should occupy about four months, and the sub-inspector should then be made station writer for a month, during which time he should receive particular instruction in the preparation of charge sheets and referred charge sheets.

5. The sub-inspector should then be deputed by the inspector for about a month to investigate cases of minor importance and pursue them to their close. He should receive his instructions from the inspector and be encouraged to come to him for guidance.

6. If the progress of the sub-inspector so far has been satisfactory, he should next be placed in charge of a station, a light one for preference, for three months, and at the end of this period the station should be inspected by the District Superintendent of Police or Assistant Superintendent of Police, whenever possible, so that the District Superintendent of Police may be in a position to decide whether the sub-inspector is fit for confirmation. If the decision is adverse to the sub-inspector, he should be sent back for further training under the inspector.

7. The sub-inspector should keep a diary which should be attached to the inspector's diary.

8. It is important that a probationary sub-inspector should feel that the District Superintendent of Police or Assistant Superintendent of Police is taking a personal interest in his work, and it is therefore desirable that the District Superintendent of Police or Assistant Superintendent of Police, when he visits a circle in which a probationary sub-inspector is under training, should see the sub-inspector and question him about his work and be satisfied that he is undergoing a thoroughly practical training.

*Subject 24.—POLICE RE-ALLOCATION SCHEME.**(Supplemental paper.)*

The following note contains a fuller statement of Mr. Innes' views on the subject:—

I may first be permitted to explain how it has fallen to my lot to open the discussion on the working of the police re-allocation scheme. When first the idea of this conference was mooted, I, in common with other Collectors, was invited to suggest suitable subjects for discussion. At that time I was greatly exercised in mind on the question of ways and means in respect of the local boards and the municipal councils of Malabar, and in hope that some of the senior Collectors who, I knew, would attend the conference would be able to enlighten my ignorance, I suggested as a subject for discussion the best method of financing local boards and municipalities. Nothing was further from my thoughts than to set myself up as an expert on the subject; and it was with no little dismay that I found I had been selected to open the discussion. And my consternation deepened when on examining the subject I found that there was very little to say, certainly not enough to serve as the basis of a useful discussion. Accordingly it was with no great relief that I heard that last September's conference had been postponed, and when the idea was revived again this year I took advantage of the option offered me by the Private Secretary's letter and exchanged my subject for something that seemed more promising. Greatly daring, I selected the subject of the working of the police re-allocation scheme, and here too I hope it will be clearly understood that I do not pose as an expert and that I lay claim to no special knowledge. The experts are present in the persons of the Hon'ble Sir Harold Stuart and the Hon'ble Mr. Gillman. My only title to speak is that for the last four and a half years as District Magistrate of Malabar I have naturally come a good deal into contact with the police, I have inspected very many police stations, and I ought to have, if I have not, gained some practical knowledge of police work. Of course I am aware that there have been two full dress debates, quite recently in the Legislative Council, on the subject of the re-allocation scheme. One unconscious humourist, I remember, suggested that the proper way to improve the police was to cut down the expenditure thereon, and another resolution by the self-same gentleman proposing the appointment of the time-honoured committee of enquiry—a mixed committee of non-officials and officials of course—was made the basis of an organized attack on the police. The attackers were duly slain by the Hon'ble Sir Harold Stuart, and I hasten to add that I have not come here to offer myself as a sheep for slaughter by the same hand. My submission is that most of us here today are or have been recently District Magistrates "responsible", in the words of the Police Commission, "for criminal administration of our districts". We have all of us been brought into personal contact with the working of the police both before and after the re-organization, and it seems to me that our experience, if frankly and fearlessly expressed, ought to be of use to Government. We get an opportunity of course of saying what we think in our endorsements on the annual police administration reports, but the usefulness of that opportunity is limited by the fact that our remarks are made public coupled with the maxim—"Thou shalt not give occasion to the enemy to blaspheme."

As I said before, I do not propose to make any violent attack on the re-organization scheme. From one point of view of course it would be unreasonable to do so—unreasonable if we remember the main thing that the Police Commission set themselves to do. When the Commission began their labours in 1902, they found that the department which they were investigating had sunk very low in the public esteem and was more or less discredited. Corruption and petty oppression were rife; abuses were evident on every side; and it is hardly too much to say that from the lowest grade

constable to the highest grade inspector, the department was rotten. Very few had a good word to say for it, and it had forfeited or rather it had never won the confidence of the public. Obviously the most important task before the Commission was to devise means whereby the good name of the department might be rehabilitated. They suggested many reforms of a more or less drastic nature with this end in view, but the point on which they laid the most particular stress was the improvement of the investigating staff. Investigations by constables were forbidden; investigations by head constables were restricted to very narrow limits; and investigation work was entrusted to a new class of sub-inspectors who, it was hoped, would be better educated, more intelligent and drawn from a higher class of society than the old head constable station-house officer. The main object of this reform, I take it, was gradually to establish in the police a new tradition of rectitude and honest work. It was to be the first step towards the regeneration of the police. Every one I think will admit that this was the main thing to go for, and it is obvious that a reformation of the kind which the Police Commission had in view, an improvement of the whole tone and morale of the department, must be given time to work itself out. It must be long before a department, which only a few years ago was discredited, can win that "general support of the community" which is essential to successful police work. And further it must be remembered that the community itself is in need of reform, and it often strikes me that the honourable gentlemen who attack the police so glibly in the Legislative Council forget the adage that every country has as good police as it deserves. The moral sense of the community is still low in the matter of petty bribery, corruption and mamuls; perjury and false witness are still lamentably common; and the false case is still the favourite weapon of attack against an enemy. We can hardly expect our police to be supermen and to rise altogether superior to the moral sense of the community around them. No doubt an improvement in the standard of public morality is taking place, and no doubt the police will also grow better and better as time goes on. But it will necessarily be a slow business. From the Police Commission's report I find that the London Bobby as we know him is the ultimate result of reforms initiated as far back as 1839. Possibly about 2000 A.D. we may have in Madras police of the same class and quality as those for whom we have so much respect at home.

In the meantime it is my personal opinion that a real beginning has been made. I notice that in one of the debates in the Legislative Council one Honourable Member stated that 70 per cent. of the sub-inspectors in a certain district were corrupt. That is not my experience. My experience of the sub-inspectors we have been getting from the Vellore School in the last eight years is that they are on the whole much superior in point of education, moral conduct and respectability to the old head constable. I do not say that they are altogether above reproach, but I do not think that as a class they stoop to the corrupt and dishonest practices and to the petty roguery and oppression of the old station-house officer. On the whole I think that in this respect there has been a great improvement, and if this impression is confirmed by the experience of other District Magistrates, the re-organization scheme will have gone far towards justifying itself. If we can only establish tradition of upright investigation in the department, we can well afford to wait for other improvements.

But there is another side to the lantern. No doubt it is an excellent thing, in my opinion it is the most important thing of all, that the work of investigating officers is less corrupt and their methods less tortuous than they used to be in old un-regenerate days. But we District Magistrates are responsible for the criminal administration of our districts, and we are bound to look from time to time and see how under the new order of things the police are discharging what is after all their main duty—the prevention and detection of crime and the protection of life and property. The essential facts of the re-organization scheme are (1) a reduction in the number of police stations, (2) an increase in the staff attached to them and (3) an improvement in the class of investigating officer. The scheme was initiated I think about 1907. At any rate by October of that year a number of sub-inspectors trained at Vellore had been posted to police stations. By the end of 1910 the introduction of the whole scheme of reform was in a fair way to completion. The full complement of sub-inspectors had been secured and, apart from other reforms, the re-allocation scheme had been

introduced in full in five districts, in part in nineteen. It is now 1915. It is still much too early to pronounce judgment on the scheme. Obviously it is still in its infancy. But a certain amount of evidence is available as to the way in which the re-organization scheme is at present working, and there can be little doubt but that this evidence is such as to afford considerable food for thought.

I take first statistics as to grave crime. I notice in page 78 of the Secretariat notes prepared for this conference comparative statistics of crime and detection are given for Madras and some provinces, but if as I suspect these statistics include nuisance cases their value, as a test of police work, is naturally much impaired, and I have compiled from the administration reports a table showing the statistics of grave crime in the Presidency in each of the three year periods ending with 1913. Unfortunately the administration report for 1914 has not yet been published. I should explain that I have omitted figures as to murders. Murder and sudden death, in my view, are crimes which the police can hardly be expected to prevent in a country where human life is held so extraordinarily cheap as in India.

Triennium.	Dacoity.	Robbery.	House-breaking.	Theft.	Cattle theft.	Total.
1905—1907	509	804	9,199	14,355	3,833	28,700
1908—1910	497	800	10,018	15,090	3,645	30,050
1911—1913	504	936	10,803	16,870	3,640	32,753

Grave crime, it will be observed, shows a steady increase, and if we take it that the re-organization and re-allocation was fully introduced by the end of 1911, the introduction was signalized by a marked increase in grave crime as the following figures show:—

Year.	Dacoity.	Robbery.	House-breaking.	Theft.	Cattle theft.	Total.
1912	541	961	11,064	17,358	3,837	33,761
1913	491	979	11,219	17,853	3,226	34,370

Put briefly, grave crime was nearly one-fifth (17 per cent. to be exact) higher in 1912 and 1913 than it was in 1905 and 1906. The increase moreover was common to most if not all districts.

Statistics of property lost and recovered tell the same tale.

Here are the figures:—

Triennium.	Average value of property lost in each year.	Percentage recovered.
	Rs.	
1905—1907	13,40,271	24·5
1908—1910	17,36,250	26·6
1911—1913	19,21,859	18·7

It is also worth noticing that the value of the property lost in 1912 and 1913 (19½ and 21 lakhs respectively) beat all previous records, while the percentage of recovery was very low in both years and the lowest on record in 1912.

Then take statistics of detection. From the statistics of the percentages of true cognizable cases detected, it will be seen that a gradual decline in the percentage of detection is observable:—

Year.	Percentage of true cognizable cases detected.	Year.	Percentage of true cognizable cases detected.
1905	32·9	1910	27·7
1906	32·8	1911	24·7
1907	32·4	1912	23·4
1908	30·9	1913	22·8
1909	29·7		

Thus the general characteristics of the nine years ending 1913 during six of which the re-organization scheme was in process of introduction are increase of grave crime amounting to nearly 20 per cent., a fall in detection, an increase in the amount of property lost and a decrease in the amount recovered. I do not propose to offer many comments on these figures. They are the figures for the whole Presidency; my experience is limited to a single district; and it is only from the dizzy heights of Olympus that a proper survey can be taken of facts relating to the whole Presidency. Every allowance must of course be made for the inexperience of the sub-inspectors and the disabilities of a transition period. It may also be admitted that grave crime is more honestly reported now than formerly, and I regard the introduction of village headman's yadast books in counterfoil form as a most valuable reform. Also I understand that the increase may be partly explained by a difference in methods of classification, though I do not know where these new methods were introduced. Still, after making all allowances, I don't think it can be denied that the above statistics leave an uneasy feeling in one's mind that the hopes of the Police Commission are not being realized as fully as one would expect.

I am more interested of course in the working of the scheme in my own district or rather in my two districts of North and South Malabar. First, I will give the relevant facts. The re-allocation scheme was introduced in two taluks of North Malabar in 1910 and in the remaining two taluks in 1912. In South Malabar it was introduced with effect from 1st March 1912. The introduction has been marked by no special increase of crime. On the contrary there has been a small decrease.

Triennium.	Dacoity.	Robbery.	House-breaking.	Theft.	Cattle theft.	Total.
1905—1907	10	15	487	830	113	1,455
1908—1910	12	18	496	768	110	1,404
1911—1913	8	16	499	733	103	1,359

On the other hand more property has been lost and less recovered as the following statistics show :—

Triennium.	Average value of property lost in each year.	Percentage recovered.
1905—1907	49,247	32.4
1908—1910	56,015	26.9
1911—1913	57,424	17.3

Detection also shows a decline. The following statistics are taken from the administration reports :—

Year.	Percentage of true cases detected.	
	North Malabar.	South Malabar.
1907	48.4	43.7
1908	45.7	31.9
1909	39.0	32.9
1910	37.8	34.3
1911	32.9	29.9
1912	33.4	28.1
1913	31.3	26.3

It will be observed therefore that, while in the period covered by the re-organization scheme there has been no increase of grave crime, there has been an increase in the average value of the property lost in each year and a decrease in the percentage recovered, and in respect of two important classes of crime. Against property there has been a marked deterioration in detection.

Now the first point to note about the re-organization, or rather the re-allocation scheme in Malabar is that it is thoroughly unpopular, the main ground of complaint being the reduction in the number of police stations. As the result of the re-allocation I may mention that the number of police stations has been reduced from 106 or one to every 54.67 square miles to 48 or one to every 120.73 square miles. The number of outposts on the other hand has been raised from 4 to 25, but the usefulness of an

outpost in my opinion is rather limited. We need not attach too much weight to this complaint. There is nothing new in it, and many years ago the Commission commented on the fact that however much people complain about the police they object strongly to the removal of a station. At the same time it cannot be denied that there is some reason in the complaint. In the first place Malabar has felt the force of the re-allocation scheme perhaps more than any other district. The number of police stations in the Presidency has been reduced from 1,672 or one to every 85 square miles to 1,018 or one to every 140 square miles. Whereas as I have already noted we have only one to every 120 square miles as against one to every 55 square miles. Secondly, though I am sure that Government are tired of being told by successive District Magistrates of Malabar that conditions on the West Coast are entirely special, yet there is no getting away from the fact. For the most part the country is hilly and broken and off the made roads, travelling except on foot is difficult if not impossible. The people too do not live in compact villages, but each in his own homestead, which homesteads are scattered all the amsams over on the margins of paddy flats and on the uplands. The inevitable result, in a country of this nature, of police stations long distances apart and each covering an area of roughly 120 square miles, is delay in reporting crime and great delay in beginning the investigation. When the crime occurs, the victim has to go in search of the adhikari, who it may be lives two or three miles away. Even if the adhikari is at home and sends off his yadast at once, and does not make the common mistake of first inspecting the scene of the crime, probably there is a long journey of seven or eight miles across country to the station and the kolkaran who cannot afford, poor wretch, to take four annas with him for his food on the way has to fortify himself with food before he starts. The result is that it is usually from 12 to 24 hours before news of the crime reaches the station, and usually the criminals have from 24 to 36 hours start before the sub-inspector reaches the scene of the crime. Thus the investigation is handicapped from the very beginning.

People also complain of the loss of protection entailed by the reduction of police stations and I am convinced that the reduction has had an effect on crime. I do not wish to be misunderstood. I believe that grave crime is on the whole honestly reported, and the statistics I have already given show that up to 1913 at any rate there has been a decrease rather than an increase of grave crime in Malabar. But I believe that a common effect of the removal of the police station is an increase of petty crime in the locality. It was only the other day that on my way by boat from Ponnani to Chowghat I found at a place called Veliyangode a deputation of ryots waiting for me on the bank. Their complaint was that since the police station at Andathode had been abolished petty crime was enormously on the increase. As one of them put it, now-a-days one can hardly keep a cocoanut. Take Karuvarakundu again. There used to be a police station here, but it was abolished in 1912. A planter living in the neighbourhood explained to me the other day the developments that followed. First he said there was an increase of rowdiness in the bazaar. Then a great increase of petty crime. Then open lawlessness. Two timber merchants had a feud, and one of these in broad daylight sent 100 Mappillas to dig a hole in a ford in the river which was used by the other man's carts. Finally came in quick succession a serious housebreaking, a dacoity and as a grand finale an outbreak opening with a crime of which I personally take a serious view, namely, an attempt on my life. I believe that the loss of the police station at Karuvarakundu had much to do with the outbreak. The assistant superintendent of police and the inspector had not been to the place I think since the station had been abolished and the sub-inspector merely made flying visits to investigate particular crimes. The removal of the station meant a loss of control—a most serious matter when one is dealing with the unruly Mappilla. Of course I am aware that the police are not supposed to deal with petty thefts, but I should like them reported even if investigation is refused under Criminal Procedure Code, 157 (b); at any rate we should know what was going on, and since the petty thief of today is often the K.D. of tomorrow, a serious increase of petty crime in any particular locality would lead to enquiries being made and preventive action being taken. In Malabar especially in the Mappilla taluks it is a positive danger to allow petty lawlessness to go on unchecked and the adhikaris, who do little criminal work, are not of much use in this respect. If there is anything in these views, then

we are likely to have more grave crime in the future in South Malabar where the effects of the re-allocation of 1912 have had time to declare themselves. There has already been an increase in 1914, and a much more serious one in 1915—though no doubt the war is mainly responsible.

Again there is the perennial difficulty in Malabar of the watching of bad characters. It is well known to Government and I need say little about it. In an East Coast district where the people live in collections of houses, I dare say that the village headman with the help of his talaiyari can reasonably be expected to keep an eye on K.Ds. and to report their movements. In Malabar where the people live in scattered houses and where the adhiyari has no talaiyari and where the two and three kolkarans usually allowed are fully employed in such work as revenue collections, pymash, verifying births and deaths, taking remittances and so forth, it is unreasonable to expect adhiyaris to keep a careful systematic watch over the amsam bad characters and as a matter of fact they do not do it.

It might be thought that I am working up to a demand for a large increase in the number of police stations in Malabar, and I observe that the Secretariat has been careful to fortify the Government with arguments against such a demand. I am sorry to disappoint the honourable gentleman who is preparing to pulverize me. I am not going to make any such demand. I know that the expenditure on the police has increased enormously in recent years, and I recognize that a reduction in the number of police stations is an essential part of the re-organization scheme and that we must give that scheme a fair trial. I have already got one or two more police stations and hope that I or rather my successors will be equally successful in the future. Meanwhile I merely note the above difficulties with the remark that I do not at present see how they are to be overcome—until aeroplanes come into general use.

So much for the effect of the scheme on crime. Now about detection. The figures I have already given show that in South Malabar which from the point of view of crime is the important half of Malabar detection has deteriorated most markedly. 87 and 86 per cent. of housebreakings now go undetected against 64 and 71 per cent. in 1907 and 1908. Similarly 20 or 22 per cent. of thefts are detected against 47 and 35 per cent. in the years just mentioned. These figures may of course be discounted. Mr. Hitchcock tells me that figures of detection are no better in England and, if that is so, it is a comforting as well as a surprising fact. Allowance must be made for the inexperience of the sub-inspectors and the difficulties in the way of prompt investigation already pointed out. Also I believe that their methods are much purer than those of the old station-house officer. Illegal pressure is not put on witnesses and suspected persons at any rate not to the same extent as before, and I do not believe that property is now foisted on K.Ds. to implicate them in reported cases. Every allowance must be made for these considerations. Nevertheless they do not, in my opinion, fully account for the marked deterioration in detection which undoubtedly has taken place. I personally consider that much must be set down to the inefficient work on the part of the sub-inspectors. I have inspected many police stations in Malabar and I cannot say that I have a high opinion of the work of the sub-inspectors. Nor have such police officers as I have consulted. One of them said to me the other day that the average sub-inspector seems to have no idea how to set about the investigation of a case and common characteristics of their work as displayed in case diaries are perfunctory, insufficient investigation, long delays and a tendency to confine their investigation to haphazard enquiries among neighbours.

The following is an extract from a casual note made at a recent inspection of a police station:—

Crimes against property are considerably heavier than in the corresponding period of last year. Thus up to the end of June 1914 twelve true housebreakings occurred. Up to the end of June this year there were twenty-four true cases. This increase may possibly be due to the war, but I am convinced that the way in which crime is being handled in this station has something to do with it. I note below the result of a very cursory examination into the case diaries of the five oldest pending cases under sections 457 and 380, Indian Penal Code.

Case No. 32.—No action of any kind taken between 21st April 1915 and 18th July 1915 when form 56 was sent.

Case No. 36.—Offence committed on the 14th March 1915 night and reported on 16th March 1915. The sub-inspector went to the scene on 17th March 1915. He took a statement from the complainant and got the names of a few possible suspects. No further action of any kind was taken till 31st July 1915 when the sub-inspector remarked that as the case was four months old it might as well be referred. The so-called investigation of this crime was an absolute farce.

Case No. 37.—The same remark applies to this case. The sub-inspector went to the scene on 19th March 1915, took a statement from the complainant, made a few casual enquiries and there the matter ended except that on 31st July 1915—four and a half months later—form 56 was sent.

Case No. 43.—Reported on 22nd March 1915, investigated by a head constable on 27th March 1915, and by the sub-inspector on 30th March 1915. Nothing further done till 15th July 1915, when form 56 was sent.

Case No. 50.—A theft of cocoanut reported on 20th March 1915. The sub-inspector proceeded to the spot on 22nd March 1915 and questioned various people who definitely implicated certain persons. On 2nd April 1915 he again went to the scene and promised further enquiry and report. There the case diary ends. No action of any kind taken for four and a half months.

The above were the first five cases examined and presumably the investigation (if it can be so called) of the remaining cases proceeded on the same lines. In the circumstances it is not surprising that the vast majority of the numerous housebreakings and thefts that now go on are undetected. The criminals have evidently very little to fear from the police.

I do not say that the work of all sub-inspectors is as bad as this, but I do say that I have framed a low opinion of the work turned out by the average sub-inspector in Malabar.

Undoubtedly one reason for their bad work is the fact that they do not all of them have a fair chance. Their investigation of one crime is interrupted by the report of another and by the frequency with which they have to attend court either as witnesses or to prosecute in the case of another station or to instruct the prosecutor in a case of their own station. This in my opinion is a most serious evil. In an inspection report of one station the other day I noticed a remark that in the year 1914 the sub-inspector had spent no less than 106 days in court, and in an inspection report of another station received only a few days ago I noticed that this year up to August 1st the sub-inspector had spent 109 days or practically half the whole period in court. A sub-inspector who spends more than one day in every two or even one in every four in court cannot be expected successfully to detect crime especially if he himself is not working in his investigation on any ordered definite plan. He can only send out a head constable to carry on the investigation. He cannot instruct that head constable as to the lines on which he should work and the clues he should follow up. I am aware that Government are considering the question of increasing the prosecuting staff. I venture to suggest that no time should be lost in carrying out this reform in which the Police Commission laid great stress. I am sure that it will do some way towards improving the work of the sub-inspectors.

For the rest it is difficult for a layman like myself to offer suggestions. It is admitted in the Secretariat note that the “best man” have not always been secured for sub-inspector’s appointment. If by the “best man” B.As. are meant the reason is not far to seek. It is to be found in the fact that while graduates flock into the Registration Department they will not apply to sub-inspectors’ posts. The Registration Department is an eminently safe and responsible if equally dull department, while the policeman’s lot is not a happy one. The sub-inspector has constantly to take responsibility, he is never master of his time, and he is not infrequently exposed to personal danger and he always runs the risk of trouble in the courts or with his superiors. But if the B.A. is afraid of responsibility I do not know that we want him. There are plenty of sufficiently well educated young men who apply for sub-inspectors’ posts (there were 46 applicants for four vacancies in Malabar the other day) and I have no doubt that the selection is carefully made. I have always heard too that the training at Vellore is good and except in one point I think, if I may say so without offence, that the instructions for the practical training of sub-inspectors leave nothing to be desired. The only criticism which with all diffidence I would suggest is that the minimum period prescribed for practical charge of a station before confirmation, viz., three months, is too short. I doubt very much whether a District Superintendent

is in a position to decide as to a probationer's fitness for confirmation after only a three months' trial as a station-house officer. The real defect now, I believe, is that the sub-inspectors are confirmed too easily. I cannot explain the large proportion of comparatively useless officers on any other hypothesis. I would extend the period of practical training to at least two years. At least one year should be spent in charge of a station and at the end of the period the District Superintendent of Police personally should inspect the station. He should examine each and every case diary and note on the quality of the investigation. If his report is unsatisfactory the probationer should be given a further trial for another year, and if at the end of that year he is still found unsatisfactory his services should be dispensed with. The main thing is not to confirm a "rotter". But if this mistake is made, as I am afraid it has been made, I would rigorously apply the principles laid down in paragraph 85 of the Commission's report regarding the removal of inefficient officers.

I have done my best to avoid intemperate irresponsible criticism and have merely ventured to draw attention to a few obvious points bearing on an enormously important problem, and to make one or two obvious suggestions for improvement. I am afraid that my remarks are open to the criticism that while the cry has been much the wool has been little, but my main object in bringing the subject forward was to elicit the experience of the other more experienced District Magistrates present.

Subject 25.—DISTRICT MAGISTRATES AND CRIMINAL ADMINISTRATION.

Secretariat note.

The subject has not been brought forward by any particular officer, but the Government desire to have the following questions discussed :—

- (i) What measures District Magistrates take to keep themselves informed of the state of crime in their districts?
- (ii) Do they take any action if they find that crime is increasing or that the police are failing to detect offences?

The District Magistrate is responsible for the whole criminal administration of the district including the work of the police. But it is believed that they do very little to keep themselves informed regarding either the prevalence of crime or the success of the police in dealing with it and ordinarily know nothing beyond what is told them in the Superintendent's diary and in the Superintendent's annual report. The District Magistrate in the Madras Presidency is in much less close touch with this part of the district administration than he is in Upper India and this is a defect in the Madras system which Government wish to see removed.

Subject 26.—PROVISION OF LAND FOR THE SETTLEMENT OF CRIMINAL TRIBES.

Secretariat note.

This subject has not been brought forward by any particular officer, but the Government wish to have the point discussed. There are still a number of criminal tribes to be settled, but the difficulty of finding extents of land is hindering progress. It is believed that, if the Collectors gave their minds to it, it would be possible to find unoccupied blocks of fairly good agricultural land in most districts.

Subject 27.—RAILWAY TERMINAL TAX.

Mr. R. B. Wood's note.

Mr. Wood suggests, with reference to local and municipal taxation, the following new tax for municipalities, viz., a railway station tax of three pies on every passenger arriving in or leaving a municipal railway station, the tax being collected by adding *pro tanto* to the price of the tickets issued by the railway. No one would feel this tax, and the result would be for the Tanjore municipalities:—

						Rs.
Kumbakonam	...	...	...	...	...	30,000 a year.
Negapatam	...	...	...	...	...	21,000 "
Tanjore	...	...	...	...	...	27,000 "
Mayavaram	...	...	...	...	..	19,000 "
Tiruvalur	...	...	...	...	...	19,000 "

Such a tax would be supremely useful for providing a fund as interest on large loans for the improvement of municipal areas.

Subject 28.—COLLECTOR AND THE PUBLIC WORKS DEPARTMENT.

Mr. A. R. Banerji's note.

Rules regarding the relation of Public Works officers to Collectors of districts were appended as annexure to G.O. No. 1018 W., dated 23rd September 1910, embodied in Board's Proceedings No. 206 (Land Revenue), dated 27th October 1910. An extract from these rules is given below :—

Works not provided for in the budget should not, except in cases of emergency, be commenced without the Collector's previous approval, and when so commenced, intimation should at once be given to him.

The Collector is the responsible head of the district and the assistance and professional advice of the Public Works Department are wholly at his disposal if required. Any information he may call for should be promptly supplied. The Collector may, for any special reason, issue any definite instruction to the Executive Engineer. If the Executive Engineer considers that such instruction is not in the public interests, and if time allows, he may ask the Collector to refer the matter to Government through the Superintending Engineer, and the Collector in that case should at once do so. Otherwise the Collector's instructions shall be complied with.

The Collector should have the right to propose the construction of new works and the repairs of existing ones, and his proposal should be disregarded only for reasons to be recorded and communicated to him by the Superintending Engineer. The Collector may also make recommendations in regard to other Public Works matters which concern his district, and such recommendations shall be duly considered and promptly replied to.

It is desirable that Superintending and Executive Engineers should, as much as possible, consult Collectors and divisional officers personally in regard to the Public Works interests and needs of the district, and all officers of the Public Works Department should co-operate cordially and readily with the Revenue officers of the district. All proposals for important changes in the distribution of water, or in any other branch of the Public Works administration, should be forwarded to the Collector for remarks before submission for sanction to the Superintending Engineer or to Government, and the Collector should be furnished with information as to any such changes decided upon before they are carried out.

2. In introducing this subject for discussion at this conference my object is to secure and to exchange views as to how far these rules have succeeded in bringing about the co-operation between the Revenue and the Public Works Departments as intended by Government. These orders were passed five years ago and I should now feel inclined to make a suggestion, namely, that the position of the Executive Engineer in the district should be made similar to the position held by the District Superintendent of Police with reference to the District Magistrate, and also similar to the position that is now proposed for the District Forest Officer in the re-organization scheme discussed on Wednesday last. In other words, the Collector should be more in touch with the Public Works administration of his district. He should know the movements of the Executive Engineer and all that is going on as regards works of various description. At present the direct authority of the Superintending Engineer being somewhat remote and the Collector having no definite voice in the Public Works policy of the district except what has come to him through departmental correspondence. Occasion may arise in which things are done without the Collector being informed of the action taken. During the past eight months' experience of the Cuddapah district in which I have two Executive Engineers to correspond with I have had occasion to note that there is not that combination that is clearly intended in the rules quoted above. For instance, when the Cuddapah-Kurnool canal breached an emergent situation arose when the Collector was not informed or consulted as to the manner in which the distribution of water was to be effected after the breach closed, until on the protest of the deputy collector of the division information was called for and certain grievances of the ryots that were caused by the manner of distribution arranged by the departmental subordinates were redressed. I submit

that such intervention of the Collectors should not be necessary under the rules and if a more definite relationship is established by a slight modification to indicate that the Executive Engineer will hold a position similar to the District Forest Officer as proposed in the new scheme, directly under the Superintending Engineer, as the District Forest Officer will be under the Circle Conservator in all professional matters and that the Collector's voice will prevail in all administrative matters, I think there will be some improvement.

3. Lastly the rules laid down that the Executive Engineer should send to the Collector every quarter a list of unanswered references. I have not received any such list from either of the two Executive Engineers of my district, and I would bring to the notice of the conference that with one there is a reference pending reply from February 1913 on a very important matter of irrigation and with the other a similar reference is pending from September 1914. There is no authority at present under which a Collector could secure a more prompt attention in regard to all such correspondence from the Public Works officers of the district.

Subject 29.—ROUTINE RETURNS AND REPORTS.

Mr. A. R. Banerji's note.

A conference of huzur sarishtadars was held in Madras in 1896 and a list of routine returns and reports was compiled. This will be found in Board's Proceedings No. 211 (Land Revenue), dated the 25th of June 1897. This was subsequently scrutinised by Sir William Meyer and his proposals were examined by the Board, final orders being passed by Government in 1900. These orders are to be found in Board's Proceedings No. 105, dated the 24th of April 1899, and No. 5, dated the 5th of January 1900. Following these orders, a list of returns was issued by the Board with Board's Proceedings No. 147, dated the 2nd July 1901. The list was subsequently revised and brought up to date in the years 1904, 1907 and 1910. I am not aware of any subsequent examination of the list.

The number of returns in the list of 1910 is 140. The number of returns in the present list comes to 180, the difference being due to 34 old returns removed and 74 new returns added.

2. It will, I think, afford some relief to Collectors if there were some reduction in the number of returns and reports, at least of a statistical nature, that they have to check and review in their own offices after submission by subordinates and those that they have to submit after consolidation to the Board and to the Government. I have no detailed proposals to make in this hurried note quoting specific instances of returns which could be modified or abolished, but I would refer to the recent correspondence that has taken place in connection with the simplification of loan accounts and in that connection I have proposed a reduction of returns. I submit that it may be possible, after careful re-examination of the list, to reduce the number of returns and reports and thereby afford relief to the routine work in the Collectors' offices.

Subject 30.—COLLECTOR AND THE RECRUITMENT AND CONTROL OF
SUB-MAGISTRATES.

Mr. A. R. Banerji's note.

Under the Board's Standing Orders, the appointment of sub-magistrates is subject to the approval of the Board, to which has to be submitted annually a list of persons whose names are considered fit for recommendation for sub-magistrates' posts. For vacancies, acting or permanent, the Collector can appoint only those whose names are in the approved list. This list is supposed to be confidential, but it is generally prepared in the Sarishtadar's section of office, and information often leaks out as to its contents. I consider that this method of recruitment of sub-magistrates, as it at present stands, does not result in getting the best men for the posts. On the other hand, once a man is appointed as sub-magistrate, it is very difficult to divest him of his magistrate's powers. The Collectors are not empowered to reduce a sub-magistrate, although they can reduce tahsildars. With a view to attract honest and better educated men for such posts involving the exercise of judicial functions, it is necessary to give the Collectors a wider discretion and field of selection. At present he has to look to the district establishment only, or select approved men of other districts; and generally a very large number of inefficient men who do not hope to rise to tahsildars' posts and who would otherwise, for the most part of their career, remain in the clerical line, now aspire to and get these posts. If statistics are called from districts showing the personnel of the sub-magistrates' appointments in each, this statement will be completely proved. Once a man of doubtful reputation and with poor educational qualifications secures a sub-magistracy, he becomes permanent there till he takes his pension; and these are the class of public servants who are notoriously corrupt and who are difficult to get rid of. The practice has become so confirmed that a Collector once remarked in the confidential register of the district against a man that he was a sort of man only fit to be kept on as a sub-magistrate and not for any higher post. To employ a man from outside, such as a law graduate, straight away as sub-magistrate, would be impossible under the existing orders, as in the Revenue Department a man has to go through the revenue inspector's experience and pass other tests and training before he is promoted to any post carrying a salary of over Rs. 40. I submit that the appointment of sub-magistrates may, therefore, be separated from the Revenue Department and placed under the control of the District Magistrate as such subject to control of Government in the Judicial Department. If this cannot be done, a discretion may be allowed to Collectors to appoint men with or without the revenue inspector's training, provided that before they are appointed on promotion as tahsildars they secure such training. The rule of one year's probationary experience as revenue inspector, I think, is not necessary in the case of such men. Three months' field work as revenue inspector would be sufficient, added to the course of six weeks' survey and land records training, provided that they are qualified in the special revenue tests. At all events, the matter is of sufficient importance to merit a discussion; but at present in most districts the sub-magistrates, who were notoriously of bad reputation, and whom the Collectors are powerless to reduce or to remove, unless a very strong case is made out, are the result of the present system of recruitment and control, and their number should not go on increasing in the future.

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Subject 31.—CORRUPTION AMONG SUB-MAGISTRATES.

Mr. F. R. Hemingway's note.

One of the more serious blots on our administrative system is the corruption of sub-magistrates.

I would concede that there has been a great improvement in the last fifteen years or so. But I believe (a) that considerable corruption still exists, (b) that two or three sub-magistrates in each district are corrupt, (c) that this is *as a rule* to be found in the men who *have been confirmed* as sub-magistrates and who have on this or some other account shown themselves unfit for promotion.

I believe also it is generally found that it is difficult to get rid of men known to be corrupt, owing to the difficulty of proving charges against them. I have heard this denied: but I have found it in practice difficult myself: and believe others have too.

I believe also it is not possible to confine confirmation (as sub-magistrates) to those *certain* to remain honest and competent. It is unfortunately the general experience that men we have good reason to believe in do not withstand the great temptation of a sub-magistrate's life and go to the bad.

Hence, in my view, the result that in most districts there are one or two absolutely corrupt men who take money notoriously and whom it is impossible (or very difficult) to get rid of; and who go on (often for years) in their corruption till the end of their service. Perhaps this is overstated. But there are at least at any one time in any one district one or two magistrates who are known both by their superiors and by the unfortunate parties to be absolutely unfit to try cases on account of corruption.

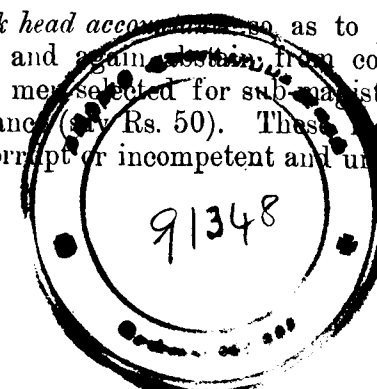
I venture to think it is possible to devise some scheme by which such a man can be turned out of his post without reason given and without substantial injustice. I think *some* such scheme is necessary as a remedy against the evil indicated.

I suggest three alternative schemes, none of which I much love, but any of which I would prefer to the present evil:—

A. Run the sub-magistrates and tahsildars into one cadre, running as at present from Rs. 125 to Rs. 225. Appoint from these the men best qualified to be magistrates; and, when any one shows himself corrupt, simply put him in somewhere as tahsildar. This would be accepting as proved the position that a corrupt tahsildar is a lesser evil than a corrupt sub-magistrate—a position I accept myself.

B. Put the sub-magistrates definitely above the tahsildars as a step to deputy collector, but abstain from confirming any man as sub-magistrate. He would simply be "tahsildar" plus an *officiating allowance* as sub-magistrate which would not be part of his permanent pay. The officiating allowance might be Rs. 50 or so; the number of tahsildars' posts would have to be increased so as to provide a sufficient cadre for all sub-magistrates; and, if held necessary for financial reasons, the tahsildar grades would be re-organized so as to avoid any or any considerable increase in total expense. When a man was found to be corrupt as sub-magistrate he would simply be sent back as tahsildar and his officiating allowance taken away. This proposal goes on the same assumption as scheme *A*.

C. Increase the cadre of *taluk head accountants* so as to provide enough men for the sub-magistrate appointments, and again abstain from confirming any one as sub-magistrate but simply keep the men selected for sub-magistrates as *taluk head accountants* with an officiating allowance (say Rs. 50). These men could be reverted as taluk head accountants if found corrupt or incompetent and unfit for promotion.



The disadvantage of *B* and *C* is that you give a Collector *arbitrary* power to deprive a man of a considerable part of his income *on mere suspicion*. I can't help thinking, however, that if the power existed it would rarely have to be exercised.

As I say I do not much love any of the above schemes. But the evil referred to is a very grave one. (Imagine the feelings of the parties compelled to resort to the courts of these birds of prey!) It would be a great thing if a remedy could be found.

Personally of the three schemes given above I rather prefer *C*.

Subject 32.—THE DISTRICT CONFIDENTIAL BARAWARDS.

Mr. A. R. Banerji's note.

On the 26th of May 1904, the Board in a confidential order No. 115 directed the maintenance of confidential registers relating to the conduct of public servants. This is now handed down from successor to successor, and I would like to raise the question of the efficacy of the system therein introduced. It may be argued that, owing to the frequent change of the District Collectors, there should be a confidential record for the guidance of the successors as regards the merit, capacity, etc., of the district establishment. But in practice it has been found that entries which are sometimes based on casual observation are not easily verifiable from the man's record of work; and while in some instances they may be an exaggerated testimony of a man of average abilities, in many others it serves in a somewhat unfair manner to stop the prospects of many a deserving subordinate who is unable to meet the remarks about him in the confidential register. The work of the subordinates of the Collector comes to his notice in every day administration, in very many ways, and he has every opportunity of recording his opinion of such work, in the official correspondence, which is, in the nature of its permanence, an opinion recorded or in a separate proceedings. Confidential remarks do not, in my opinion, help in the proper understanding of the establishment of a district to which a Collector is newly posted; on the other hand, he is unable to come to the district with a clear open mind as regards his men, and if he is going to be led or influenced by the remarks already on the record, some of which may be due to individual fancies, likes and dislikes, he cannot do justice to his establishment. Every man, therefore, should form his own opinion about his men and this handing down of confidential register from successor to successor appears to me to do more harm than good. There would be no harm in making a rule that when a Collector stays at least two years in the district and hands over charge to his successor, he should leave a note on the conduct and work of the revenue subordinates from the grade of the taluk head accountant upwards quoting specific orders of censure, fine, blackmark, etc. At present all kinds of random remarks are inscribed in this register which form a very unreliable guide specially in the case of those written by acting officers with a very short experience of the district, and those that are couched in the vaguest language possible, e.g., "his manners are against him", "a most peculiar person", etc. Further there is no reason why things found against a man should be kept confidential and used against him throughout his service without giving him the slightest chance of correction or improvement.

*Appendix to Subject 5.—TRAINING AND TRANSFER OF JUNIOR OFFICERS AND
IMPROVEMENT OF THEIR KNOWLEDGE OF THE VERNACULARS.*

The following is the list of Acts and Regulations referred to in paragraph 2 at page 16 of the notes for the Conference. Astericks indicate the items suggested for removal.

DIVISION B—LOWER STANDARD.

General Acts of the Governor-General in Council.

Year.	Number.	Subject or short title.
1859	* XIII	The Workman's Breach of Contract Act, 1859.
1860	XLV	The Indian Penal Code.
1871	* I	The Cattle Trespass Act, 1871.
1873	* X	The Indian Oaths Act, 1873.
1874	* IX	The European Vagrancy Act, 1874.
1878	I	The Opium Act, 1878.
1878	XI	The Indian Arms Act, 1878.
1884	IV	The Indian Explosives Act, 1884.
1890	* XI	The Prevention of Cruelty to Animals Act, 1890.
1894	* IX	The Prisons Act, 1894.
1897	VIII	The Reformatory Schools Act, 1897.
1898	V	The Criminal Procedure Code, 1898.
1900	* III	The Prisoners Act, 1900.
1903	* XV	The Indian Extradition Act, 1903.
1904	I	The Poisons Act, 1904.
1909	IV	The Whipping Act, 1909.

Local Acts of the Governor-General in Council.

1859	XXIV	The Madras District Police Act, 1859.
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Unrepealed Madras Regulations.

1816	* XI	The Madras Village Police Regulation, 1816.
1819	* II	The Madras State Prisoners Regulation, 1819.
1821	* IV	The Madras Village Police Regulation, 1821.

Madras Acts.

1882	V	The Madras Forest Act, 1882 (Chapter VII—Penalties and Procedure).
1886	I	The Madras Abkari Act, 1886.
1888	II	The Places of Public Resort Act, 1888.
1889	III	The Towns Nuisances Act, 1889.
1889	IV	The Madras Salt Act, 1889.

Books.

- (1) Mayne's Indian Penal Code.
- (2) Prinsep's Code of Criminal Procedure.
- (3) Weir's Law of Offences and Criminal Procedure.

DIVISION B—HIGHER STANDARD.

(Without books.)

- (1) An introduction to Indian Government Audit. Chapters 3, 4 and 5 (omitting paragraphs 33 to 35 and the text of the audit resolution), 6, 8, 11 and 13 (omitting paragraphs 113 to 118), 14 and 15 (omitting paragraphs 136 and 139), 16 (omitting paragraphs 148 and 149), and 19 (omitting paragraphs 204 to the end).
- (2) An introduction to Indian Government Accounts.

DIVISION C—LOWER AND HIGHER STANDARDS.

General Acts of the Governor-General in Council.

Year.	Number.	Subject or short title.
1850	* XVIII	The Judicial Officers' Protection Act, 1850.
1870	VII	The Court Fees Act, 1870.
1871	* XXIII	The Pensions Act, 1871.
1878	I	The Opium Act, 1878.
1878	VI	The Indian Treasure Trove Act, 1878.
1878	VIII	The Sea Customs Act, 1878.
1883	XIX	The Land Improvement Loans Act, 1883.
1884	XII	The Agriculturists' Loans Act, 1884.

DIVISION C—LOWER AND HIGHER STANDARDS—cont.

General Acts of the Governor-General in Council—cont.

Year.	Number.	Subject or short title.
1886	II	The Indian Income-tax Act, 1886.
1889	IV	The Indian Merchandise Marks Act, 1889.
1890	* VIII	The Guardians and Wards Act, 1890.
1894	I	The Land Acquisition Act, 1894.
1894	VIII	The Indian Tariff Act, 1894.
1896	* II	The Cotton Duties Act, 1896.
1897	X	The General Clauses Act, 1897.
1899	II	The Indian Stamp Act, 1899.
1904	* VII	The Ancient Monuments Preservation Act, 1904.

Local Acts of the Governor-General in Council.

1839	* VII	The Madras Rent and Revenue Sales Act, 1839.
1839	* XXIV	The Gaujam and Vizagapatam Act, 1839.
1857	* VII	The Madras Uncovenanted Officers Act, 1857.
1858	I	The Madras Compulsory Labour Act, 1858.

Unrepealed Madras Regulations.

1802	* XXV	The Madras Permanent Settlement Regulation, 1802.
1802	* XXVI	The Madras Land Registration Regulation, 1802.
1803	* I	The Madras Board of Revenue Regulation, 1803.
1803	* II	The Madras Collectors Regulation, 1803.
1816	* XII	The Madras Village-lands Disputes Regulation, 1816.
1822	IX	The Madras Revenue Malversation Regulation, 1822.
1828	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.
1831	* X	The Madras Sale of Minors' Estates Regulation, 1831.

Madras Acts.

1864	II	The Madras Revenue Recovery Act, 1864.
1865	VII	The Madras Irrigation Cess Act, 1865.
1866	II	The Madras Cattle Disease Act, 1866.
1867	I	The Madras General Clauses Act, 1867.
1869	* III	The Madras Revenue Summonses Act, 1869.
1876	I	The Madras Land Revenue Assessment Act, 1876.
1882	V	The Madras Forest Act, 1882.
1884	IV	The Madras District Municipalities Act, 1884.
1884	V	The Madras Local Boards Act, 1884.
1886	I	The Madras Abkari Act, 1886.
1888	* I	The Local Authorities' Loan Act, 1888.
1889	I	The Madras Village Courts Act, 1889.
1889	IV	The Madras Salt Act, 1889.
1890	* II	The Canals and Public Ferries Act, 1890.
1891	I	The Madras General Clauses Act, 1891.
1893	* V	The Madras Revenue Enquiries Act, 1893.
1894	* I	The Madras Board of Revenue Act, 1894.
1894	II	The Madras Proprietary Estates Village Service Act, 1894.
1895	III	The Madras Hereditary Village Officers Act, 1895.
1897	IV	The Madras Survey and Boundaries Act, 1897.
1899	III	The Madras Registration of Births and Deaths Act, 1899.
1902	I	The Madras Court of Wards Act, 1902.
1903	* I	The Madras Planters' Labour Act, 1903.
1904	* II	The Madras Impartible Estates Act, 1904.
1905	III	The Madras Land Encroachment Act, 1905.
1908	I	The Madras Estates Land Act, 1908.
1911	* IV	The Limited Proprietors Act, 1911.

Books and Publications.

- (1) Standing Orders of the Board of Revenue.
- (2) Manual or Gazetteer of the District in which the officer is serving.
- (3) Rules under the Forest, Opium and Abkari Acts.
- (4) Village and Taluk Accounts.
- (5) Village Officers' Manual.
- (6) Memorandum upon the Salt Administration, Madras, 1894.
- (7) The Land Revenue Policy of the Indian Government, Chapters I, II and VII.

2. With reference to paragraph 10 on page 18, it is to be noted that an Assistant Collector has still to pass the Lower Standard in a second language before he can be confirmed as a Sub-Collector.

(G.O. No. 1317, Public, dated 11th October 1914.)

PROCEEDINGS OF THE CONFERENCE OF COLLECTORS HELD AT
OOTACAMUND FROM THE 23RD TO THE 28TH AUGUST 1915.

PRESENT:

1. His Excellency the Governor (*presiding*).
2. The Hon'ble Sir P. S. Sivaswami Ayyar, K.C.S.I., C.I.E., Member of Council.*
3. The Hon'ble Sir Harold Stuart, K.C.S.I., K.C.V.O., I.C.S., Member of Council.
4. The Hon'ble Mr. A. G. Cardew, C.S.I., I.C.S., Member of Council.
5. The Hon'ble Mr. A. Butterworth, C.S.I., I.C.S., Chief Secretary to Government.
6. The Hon'ble Mr. L. Davidson, C.S.I., I.C.S., Secretary to Government, Revenue Department.
7. The Hon'ble Mr. J. P. Bedford, I.C.S., Acting Secretary to Government, Local and Municipal and Legislative Departments.
8. The Hon'ble Mr. C. G. Todhunter, I.C.S., Acting Secretary to Government, Judicial and Educational Departments.
9. The Hon'ble Mr. R. B. Clegg, I.C.S., Commissioner of Land Revenue.
10. The Hon'ble Mr. N. S. Brodie, I.C.S., Commissioner of Salt, Abkari and Separate Revenue.
11. The Hon'ble Mr. L. E. Buckley, I.C.S., Commissioner of Revenue Settlement.
12. The Hon'ble Mr. H. F. W. Gillman, I.C.S., Commissioner of Land Revenue and Forests.†
13. M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, Collector of Nellore.
14. Muhammad Aziz-ud-din Husain Sahib Bahadur, Khan Bahadur, I.S.O., Collector of South Arcot.
15. Mr. A. R. Cumming, I.C.S., Collector of Coimbatore.
16. Mr. M. Young, I.C.S., Collector of the Nilgiris.
17. Mr. N. E. Marjoribanks, I.C.S., Collector of Guntur.
18. Mr. N. Macmichael, I.C.S., Collector of Ganjam.
19. Mr. R. B. Wood, I.C.S., Collector of Tanjore.
20. Mr. A. R. Banerji, C.I.E., I.C.S., Collector of Cuddapah.
21. Mr. J. M. Turing, I.C.S., Collector of Kistna.
22. Mr. H. L. Braidwood, I.C.S., Collector of Chittoor.
23. Mr. G. F. Paddison, I.C.S., Collector of Madura.
24. Mr. A. F. G. Moscardi, I.C.S., Collector of Bellary.
25. Mr. C. A. Innes, I.C.S., Collector of Malabar.
26. Mr. F. R. Hemingway, I.C.S., Collector of Tinnevely.

* Present only on the 23rd and 24th August.

† Present only on the 23rd, 24th, 25th and part of the 26th August.

LIST OF TOPICS DISCUSSED WITH DATES OF DISCUSSION.

Subjects.	Initiated by	Date on which discussed.
1. Relief to Collectors	Mr. R. B. Wood ...	23rd August 1915.
2. Selection of personal assistants to Collectors...	Mr. Aziz-ud-din ...	"
3. Termination of deputy collectors' probation ...	"	"
4. Vernacular tests of deputy collectors ...	"	"
5. Training and transfer of junior officers and improvement of their knowledge of the vernaculars.	Mr. A. F. G. Moscardi.	"
6. Use of horses by revenue officers	Mr. H. L. Braidwood.	"
7. Daily allowance of tahsildars and deputy tahsildars.	Mr. Aziz-ud-din ...	"
8. Collectors' printing press	Mr. R. B. Wood ...	"
9. Collectors and District Forest Officers ...	Mr. F. R. Hemingway.	25th August 1915.
10. Working of the differential water-rate system.	Mr. N. Macmichael ...	25th and 28th August 1915.
11. Simplification of jamabandi	Mr. J. M. Turing ...	25th August 1915.
12. System of appointing village officers ...	"	27th August 1915.
13. Tahsildars' powers with regard to village staff.	Mr. H. L. Braidwood.	"
14. Working of the Madras Estates Land Act, 1908.	Mr. N. Macmichael ...	"
15. Possibility of improving the Madras Survey and Boundaries Act, 1897.	Mr. R. B. Wood ...	"
16. Survey and regular lines in municipalities ...	"	24th August 1915.
17. Village house-site survey	"	"
18. Reversion of village-site to Government [and assessment of backyards].	"	"
19. Improvement of rural sanitation	Mr. H. L. Braidwood.	"
20. Non-official presidents and vice-presidents of district and taluk boards.	Mr. R. B. Wood ...	"
21. Constitution of district and taluk boards ...	Mr. C. A. Innes	"
22. Maintenance of inter-district roads ... ..	.....	"
23. Education and local boards	Mr. H. L. Braidwood.	"
24. Police re-allocation scheme	Mr. C. A. Innes ...	26th August 1915.
25. District Magistrates and criminal administration.	.....	"
26. Provision of land for the settlement of criminal tribes.	.....	24th August 1915.
27. Railway terminal tax	Mr. R. B. Wood ...	27th August 1915.
28. Collector and the Public Works Department.	Mr. A. R. Banerji ...	"
29. Routine returns and reports	"	"
30. Collector and the recruitment and control of sub-magistrates.	"	"
31. Corruption among sub-magistrates	Mr. F. R. Hemingway.	"
32. The district confidential baraward (register of subordinates).	Mr. A. R. Banerji ...	"

HIS EXCELLENCY'S OPENING SPEECH.

In opening the Conference *His Excellency the Governor* said :—Before beginning the Agenda I desire to say a few words in the first place of welcome to all who have come here for this Conference.

I do not dwell upon the benefits to good government which may reasonably be expected from such a Conference. They are obvious. But this is the first of its kind, I believe, in this Presidency. While therefore the value of such meetings may fairly be said to be generally established, this is a first experiment, and we must not expect too much from it.

No doubt piles of boxes and files and correspondence have already begun to accumulate in your district headquarters ; but I trust that in the end that aftermath of our proceedings here will be more than outweighed by the positive advantages of the opportunities afforded by these proceedings. I reckon as not less valuable for our purpose than our discussions in this room the opportunities which I trust this week may afford for personal and social intercourse, for better acquaintance, for comparing notes, for the comprehension of differences and difficulties, and for the enlargement of experience.

It has not been thought expedient on the present occasion to summon here the Collector of every district. Certain portions of the Presidency, such as the Northern Circars, the Ceded Districts, the great deltas, the west coast, and so forth have marked characteristics. These are all represented here without entirely depriving any of these important parts of the Presidency of all its district officers. Some of the senior district officers are on leave and not available. I should have been glad to see here the Collector of every district of the Presidency. For the reasons which I have mentioned that has not been practicable. Accordingly we have what is next best, namely, a gathering of district officers which may be fairly said to be representative of the Presidency, and well qualified to discuss from all points of view the subjects which will be laid before it. Further I may add that for their confidential information any record of these proceedings which is kept will be sent not only to those who are present but to those Collectors who have been left with their districts.

The purpose of this Conference may be briefly stated. It is not to supersede but to supplement the agencies now existing which keep the Government in active touch with what I may call broadly district administration in all its branches. The Revenue Department has its forest, agricultural, survey, settlement, and other revenue officers : there are the judicial, the police, the educational, the medical, and other services : there is, not least, the Board of Revenue. All of these are in contact in one way or another with district work, and contribute in their turn to the guidance of the Government. In varying measure, however, inevitably all these agencies stand and serve as channels of communication between the Collector and the Government. And it is thought that the work of all these, so to speak, central agencies may be facilitated and made more fruitful by the direct opportunities which such a meeting as this will give to the heads of districts to express and interchange opinion on the more pressing questions of district administration.

In so large an area as this Presidency with its highly centralized system of Government and its many differences of race and language the machine of administration unavoidably has the defects of its qualities : and I sometimes think these may be as obvious and, shall I say, discouraging, to district officers as they are sometimes to those at headquarters. Reforms ripen slowly : subjects are taken up and dropped and re-appear a decade later : pressing needs cannot be met, such as water-supply, drainage, hospitals : expenditure which will certainly be profitable is vetoed by the want of money : it sometimes seems hopeless to obtain a hearing even for a good case. It requires all our philosophy to preserve our enthusiasms under those conditions ; and yet enthusiasm and energy are essential. At any rate those district officers who

are present on this occasion will know that whatever the ultimate results of their efforts may be, their representations and views will on this occasion directly reach the Government without filtration through any of the ordinary channels and they will, I trust, feel thoroughly assured, if assurance is required, that the Government now as always desire to give full weight to their opinions.

Now as to our daily proceedings. The Agenda is before you. Sir Sivaswami Ayyar is leaving Ootacamund on business at noon on Wednesday; and therefore for his convenience we shall take on Tuesday the business at present set down for Thursday and *vice versa*. A few subjects have to be added to the Agenda; and in that connection let me say that while our work must be limited by the time available, it is not yet possible to forecast precisely the probable length of our sittings. We wish to make the most of this opportunity. And if any member desires specially to bring before the Conference any subject not as yet upon the Agenda, I shall be glad to consider his request.

We propose to meet here every day at 11 A.M. and to sit until 2 P.M. The proceedings will be entirely confidential: no representatives of the Press will be present: an official reporter will take a note: there will be no moving of resolutions and no formal voting.

I trust that under these conditions our discussions may be full and frank and to the point.

SUBJECT 1.—RELIEF TO COLLECTORS.

Note.—For the notes on this subject see pages 5—8.

His Excellency intimated that among the various methods of giving relief to Collectors, it was not proposed at the conference to take into consideration two expedients, viz., (i) the system of commissioners adopted in certain other provinces and (ii) the division of districts.

Mr. Wood opened the discussion by contending that Collectors were already in close touch with their districts but that what was wanted was for Collectors to have more leisure time to supervise the district generally and take up sections of administrative work which want overhauling or altering. They should not be tied to a large mass of routine work which takes up time and energy that might usefully be devoted in other directions. In a big district like Tanjore criminal and income-tax work was heavy and occupied a good deal of the Collector's time. This legal work and the more important water-rate and other appeal cases were in *Mr. Wood's* opinion too important for a personal assistant and he strongly disapproved of appeals from divisional officers and sub-collectors being tried by deputy collectors. A great deal of the local fund work also was too important to be entrusted safely to the average deputy collector. The personal assistant was most useful in strengthening the office, in giving that help to the treasury deputy collector and divisional officers which they required from time to time and in relieving the Collector of miscellaneous work. But in order to make a heavy district really manageable, he would like the help of a responsible officer like an Additional District Magistrate, who could be trusted to apply principles which might be laid down by the Collector and Magistrate of the district. The average personal assistant was not good in applying principles and taking real responsibility; nor was his authority ever equal to that of an Additional District Magistrate. The only difficulty in regard to the Additional District Magistrate was the probability of his being shifted from the district constantly. This difficulty however could be got over by giving him a Collector's or Judge's pay whenever a junior was appointed to that post, and this point was of the greatest importance. In fact, without this reform the Additional District Magistrate, with constant changes in *personnel*, was more trouble than he was worth. For the above reasons *Mr. Wood* would like to have both a personal assistant and an Additional District Magistrate in a really heavy district. The difference between the heaviest districts and the average districts was a great deal more than the difference between an Additional District Magistrate and a personal assistant, and it was as important to strengthen *the office* by a personal assistant as to strengthen *the Collector* by an Additional District Magistrate.

Mr. Banerji observed that the relief of Collectors turned mainly on the point of saving his time. At present a good deal of time, which could be devoted to better purposes, was wasted because the Collector had to give much attention to what is ordinarily called "routine work", which he could well avoid. The Collector often reduced or increased his own work by the method he adopted. For example, it often happened that the same file came before him several times in an incomplete form; but, if there was a method or system by which a case was prepared for him with sufficient care, so that he might at once pass final orders, a good deal of his time would be saved. Files which came before the Collector might be classified in a different way from *Mr. Wood's* plan, viz., (i) those that arose out of petitions and appeals under laws and regulations, (ii) those resulting from his own orders and (iii) those resulting from returns, reviews and reports. *Mr. Banerji* did not agree with *Mr. Wood* that the Collector should share his responsibility and the working of the district administration

with a person of the same service and more or less of the same standing. In Mr. Banerji's opinion, the system of personal assistants was sound, for the Collector had then a greater chance of seeing the work come before him in a proper form. The personal assistant might of his own motion send for reports and pass intermediate references but he should not himself pass in the name of the Collector any final orders.

As regards the relative utility of the personal assistant and the Additional District Magistrate, Mr. Banerji would prefer the former because he would know his place in the district and it would also be known to the people. The personal assistant should be in the position of a secretary to the Collector. On the other hand, the Additional District Magistrate was invested with some of the Collector's powers, which meant dual control and responsibility. This was not the kind of relief that was wanted for the Collector. A district with an Additional District Magistrate might be compared to a chariot driven with a pair of horses, one bigger and the other smaller. The personal assistant could only exercise authority under the Collector and any co-ordinate jurisdiction in the district administration would be unadvisable. In the north of India where there were Commissioners exercising control over several districts and their Collectors, relief was given through a personal assistant deputy collector and not through a civilian officer. The personal assistant would probably be a more permanent factor in the district, and form a better and safer adviser to a new Collector than a sarishtadar or an Additional District Magistrate.

As pointed out in Mr. Wood's note, the sarishtadar was of no great use under the personal assistant system and this consideration led to the question whether the sarishtadar's post was not superfluous. At present there was in the Collector's office an English head clerk below the sarishtadar, and now that correspondence in the districts in vernacular languages was rare, the necessity for an English head clerk no longer existed. If there were a personal assistant and also a sarishtadar, the English head clerk's post might well be abolished and the pay of the clerks lower down might be increased so as to get better men, who could prepare work for disposal in a more satisfactory manner.

Mr. Banerji took exception to Mr. Wood's remarks in paragraph 7 of his note as to the advantage of having an officer of the same race, social customs and education, and observed that in carrying on the district administration the Collector did not derive any greater advantage by having under him an officer of the same race.

In conclusion Mr. Banerji pointed out that neither the personal assistant nor the Additional District Magistrate should have independent control over the work of the district board. The district board work being perhaps the most important work in the district, the Collector should have the entire control thereof, but he might, as in the case of the personal assistant, use the vice-president to help him.

The Hon'ble Mr. Gillman, speaking with experience both of the headquarters sub-collector and the personal assistant, the one in Madura and the other in Tinnevely, both being heavy districts, expressed the opinion that in order to secure relief the Collector must divest himself of some branches of work entirely. The extent to which he could do this would of course depend on the standing of the officer to whom the delegation was made. Mr. Gillman's arrangement in Madura with the headquarters sub-collector was that all the magisterial and the local fund work was done by the sub-collector except matters of general administration which the sub-collector referred to him, and the subjects which were so assigned entirely to the sub-collector were disposed of by the sub-collector, only matters of principle being referred to the Collector. In Tinnevely, where Mr. Gillman had a personal assistant, the arrangement was much the same but magisterial work was not given to that officer, nor was local fund work; these two branches were kept in Mr. Gillman's own hands. Mr. Gillman did not agree with the idea that the personal assistant should not dispose of work on his own authority. If a sub-collector or a personal assistant disposed of a matter about which there was trouble it came back to the Collector afterwards in one way or another and the Collector had then an opportunity of seeing whether the sub-collector or the personal assistant had gone too far or not. It was absolutely necessary, whether there was a headquarters sub-collector or a personal assistant, that he should have definite work to do on his own, subject to the general supervision of the Collector, to whom matters of principle and importance should always be referred.

Mr. Aziz-ud-din pointed out that in most districts an Additional District Magistrate could not give much relief to the District Magistrate. There were not many appeals to the District Magistrate, who only dealt with security cases and revision petitions. The District Magistrate might be relieved of other duties by a personal assistant and with such relief ought to be able to get through his magisterial work. The only other work of a District Magistrate was in fact to scrutinize the calendars of subordinate magistrates and the judgments of divisional officers who were first-class magistrates. The personal assistant might very well be entrusted with the duty of analysing and criticizing sub-magistrates' calendars, while the judgments of divisional officers could be taken up by the District Magistrate. It was to be borne in mind in this connection that the Sessions Judge also had to go through the judgments of first-class magistrates. It was therefore not true that a District Magistrate had much to do in this branch of the administration. It was however important for the District Magistrate to devote his personal attention to seeing that the subordinate magistracy did not become corrupt and to this end he must be in touch with the people of the district. Mr. Aziz-ud-din stated that, if he personally had served in a district like Madura or Tanjore, he would not have required an Additional District Magistrate. The District Magistrate was the head of the district and in his opinion any divided responsibility in that connection would not be desirable.

As regards the work of the Collector, Mr. Aziz-ud-din opined that Mr. Wood had scheduled too many items against the Collector, and that most of his items only entailed nominal work. For example, appeal petitions of village officers were very few: there were not many irrigation disputes, these being disposed of as a rule by divisional officers without the Collector's interference: zamindari sub-divisions were also unfrequent in most districts, and the work was for the most part done by subordinate officers: treasure trove cases were very rare: so also the construction and repair of tanks and irrigation works connected with jungle streams: escheats were not numerous except, perhaps, in South Canara where the *Aliyasantana* law prevails: proposals for the revision of establishments under Act II of 1894 came up very rarely, while jamabandi was of course a necessary evil: the annual land revenue administration report was a routine case mostly prepared by the huzur sarishtadar and merely gone through by the Collector. There was thus not much work to tax the time of the Collector and, when relieved by a personal assistant, he ought to be able to devote his attention to the magisterial administration, to which Mr. Aziz-ud-din attached great importance. The idea of the Additional District Magistrate was of a very recent date and, now that personal assistants had been given, there was no necessity to appoint an Additional District Magistrate to any district whatever, whether it were Madura, Tanjore or Malabar. The personal assistant could do a great deal of work for the Collector and the Secretariat had taken up a very satisfactory position in saying that a cardinal feature of the system of personal assistants was the discretion given to Collectors to employ these officers as they thought fit. Even in regard to the income-tax cases to which Mr. Wood referred the personal assistant could be of very great help in the way of scrutinizing accounts, adding his remarks to the note of the English head clerk who was generally in charge of this subject; the writing of the decision did not occupy much of the Collector's time. In most other matters the personal assistant could be of much use if it was left to the discretion of the Collector to employ him in any way he thought best and Mr. Aziz-ud-din was not in favour of any system which would require Collectors to mark down definite subjects for their personal assistants, because it was not the personal assistant who was responsible for the administration but the Collector, and not the Additional District Magistrate who was responsible for the magistracy but the District Magistrate.

Finally, as regards Mr. Wood's remark in paragraph 7 of his note to which Mr. Banerji had referred, Mr. Aziz-ud-din observed that the sooner the idea of differentiating between European and Indian officers was put an end to the better.

Mr. Braidwood said that he had had experience both as a headquarters sub-collector himself and as a Collector with an Additional District Magistrate under him. His experience coincided with that of Mr. Gillman and he entirely disagreed with Mr. Banerji's views, which were merely theoretical and not based on his own experience. Mr. Braidwood's opinion was that if the Collector was to have any relief, he should be able to hand over certain subjects to the absolute disposal of the Additional District

Magistrate or the personal assistant, with instructions, however, to the effect that the officer should refer to him any papers which he thought of sufficient importance, that he should not find fault with any divisional officer, and so on. Mr. Braidwood would not go into the exact details as to what subjects should be handed over to the Additional District Magistrate. His own practice was to entrust the scrutiny of the calendars of the second-class magistrates to the additional officer and to keep to himself the calendars of first-class magistrates and of acting sub-magistrates; criminal revision cases were divided between the District Magistrate and the Additional District Magistrate. As for the personal assistant, Mr. Braidwood's view was that, if he had an assistant on whom he could not safely devolve the entire disposal of certain subjects, the appointment would be rather a source of additional work than of real relief to the Collector, and that such an unreliable officer could not properly be kept as a personal assistant.

The Hon'ble Sir Harold Stuart observed that the Conference was not considering the essential question before it, namely, whether the personal assistant was or was not really of use to Collectors. A number of personal assistants had recently been sanctioned and the Conference might decide whether these officers really relieved Collectors from their routine work. It was not necessary that the Collector should divest himself of all responsibility when delegating powers to his personal assistant. Important cases could and should come up to the Collector, and one way of providing for general supervision was to insist on a weekly list of orders passed by the personal assistant. His position was analogous to that of a private secretary with discretionary powers.

Mr. Innes' opinion was that the truth lay between the views expressed by Mr. Wood and Mr. Banerji, respectively. Undoubtedly the system of appointing Additional District Magistrates in heavy districts was open to objection, and the system was a *pis aller*. But, accepting the position that the division of districts, which was the only logical solution of the difficulty, was impossible, then in really heavy districts the best way of giving the Collector relief was to appoint an Additional District Magistrate. The main objection to the system was that under it the Collector was responsible for work which he did not do and did not see until after it was done. In Malabar however the system had on the whole worked well and had afforded the Collector very real relief. The Additional District Magistrate was responsible for certain branches of the Collector's work. He was required to send up all important papers to the Collector, and once a week the Collector saw all the Additional District Magistrate's disposals. The only way to get full value out of an Additional District Magistrate was to treat him with full trust and confidence.

Mr. Hemingway spoke in support of the personal assistant scheme and deprecated the view that a personal assistant was useless and merely a glorified sarishtadar. The personal assistant was infinitely more capable than a sarishtadar of keeping the office in order, dealing with papers properly, eliciting the main threads of long and confused office-notes and putting up short abstracts and offering useful suggestions as to the course of action. He was also capable of dealing finally with routine papers. Mr. Hemingway had no hesitation in characterizing the personal assistant as of the very greatest assistance.

The Hon'ble Mr. Davidson observed that the value of a personal assistant or an Additional District Magistrate depended largely on the personal equation. He had himself been exceedingly well served by two personal assistants in Tanjore and Tinnevely, respectively, and when in the latter district he was given the option of replacing the deputy collector, whom he knew and had proved, by a civilian Additional District Magistrate, in whose selection he had no voice, his answer was that he would prefer to retain the services of the personal assistant. In order to ensure general supervision it was his practice to insist upon a *daily* list of disposals passed by the personal assistant on his own authority; this plan gave the Collector time to interfere at once if he thought fit, but in Mr. Davidson's experience occasion for such interference was exceedingly rare.

The Hon'ble Mr. Butterworth pointed out that Mr. Wood's proposal was to extend considerably the system of employing covenanted Additional District

Magistrates in the place of personal assistants. As, however, the cadre of the civil service was insufficient even to supply men for all the Indian Civil Service divisional charges and the Secretary of State was not likely to sanction any increase to the cadre in order to supply extra Additional District Magistrates, the proposed extension of the system appeared to be impracticable.

Mr. Ramachandra Rao considered that the scope of the relief which could be afforded by the appointment of a personal assistant was entirely different from the scope possible by means of an Additional District Magistrate. One objection taken to the appointment of a personal assistant was that it would tend to demoralize the sarishtadar and reduce his usefulness. But Mr. Ramachandra Rao would not attach much importance to this. It was distinctly advantageous to have under the Collector a competent man liable to be transferred from district to district and thereby applying experience of the methods of work elsewhere. But from his status the personal assistant could only be a deputy collector and never an appellate authority over the divisional officers. In most districts, if not in all, the time was come for the appointment of personal assistants and, if such an officer was not appointed, the Collector had to do the work which a personal assistant could do, such as the monthly checking of the current registers. A Collector and District Magistrate was surely far too valuable an officer to have to do this sort of work, but at the same time the work had to be done in the interests of efficiency. An officer of the grade of personal assistant could well attend to such matters. Assuming the services of a personal assistant to be given, there was no necessity for any other additional officer if the Collector's work was not very heavy. If the work of all departments increased *pari passu*, then a case was made out for splitting the district in two.

As regards the appointment of an Additional District Magistrate, Mr. Ramachandra Rao considered that the incumbent ought not to be in any sense inferior to the Collector. The District Magistrate's work was as responsible and sometimes even more responsible than that of the Collector; it was his duty to be in touch with the magistracy and to know how crime in the district was getting on. Whether an Additional District Magistrate should be appointed or not was a question of fact in each district. If all the routine work has been given to a personal assistant and still the work of the Collector was of such a magnitude that a single officer could not do it, the best plan was to appoint a co-ordinate officer, give him all the District Magistrate's work and make the Collector do the rest.

Mr. Young had no doubt that some help was needed by most Collectors. He thought that in light districts sufficient relief could be afforded by the appointment of a personal assistant, while in the heaviest districts both a personal assistant and an Additional District Magistrate were required. He entirely concurred in Mr. Ramachandra Rao's view that the Additional District Magistrate should be a co-ordinate officer of almost the same standing as the Collector himself. It was important that he should remain in the same district for a considerable time and to that end it seemed advisable that the appointment should be tenable on the pay of a Collector so as to avoid transfer on promotion above the rank of sub-collector. Mr. Young would like to assign income-tax objection petitions to the additional officer, for such work did occupy a considerable time in certain districts, such for instance as Madura, and it was not correct to say, as Mr. Aziz-ud-din had done, that the disposal of these petitions was a short process; he had known a single case take a whole day.

Mr. Turing here intervened with the remark that there was no legal difficulty in the way as Mr. Young seemed to suppose; the additional officer in Kistna actually did dispose of income-tax work, having been given special powers under the Act.

Mr. Young, continuing his remarks, suggested that the transfer of village officers' appeals to the additional officer was another measure which would give considerable relief to the Collector; in that case legislation was necessary and in his opinion should be undertaken to give the Additional Collector appellate powers.

The Hon'ble Mr. Cardew thought it would be useful if those Collectors who had had experience of the working of the personal assistant scheme could advise how far

it was essential to retain the appointment of huzur sarishtadar when there was a personal assistant or whether it would suffice to replace the huzur sarishtadar by a section head of the same grade as the head clerk.

Mr. Marjoribanks stated that, so far as his experience went, in the matter of office management, etc., a personal assistant was useless and for this reason he would like the huzur sarishtadar to be continued. The excessive work of the Collector was largely due to want of method in the office and a deputy collector was apt to consider himself above the routine duties of office management. Moreover, in backward Telugu districts the clerical staff was not competent to prepare regular daily lists of disposals by the personal assistant and the result was that as Collector he had had to take the latter's work on trust and the arrangement had not proved satisfactory. Another objection to the personal assistant plan was that an officer of that grade could not hear appeals against the orders of the divisional officers.

Mr. Aziz-ud-din observed, with regard to *Mr. Hemingway's* description of the personal assistant as a glorified sarishtadar, that the personal assistant was really something more. The sarishtadar could not do all that the personal assistant could; for example, he could not go out to make enquiries, or dispose of criminal cases in heavy divisions. The sarishtadar was not only forbidden to do this but was also competent to do it. The position assigned to the personal assistant by the Secretariat was the safest; he was an assistant to the Collector working according to the discretion of the Collector who, as the head of the district, ought to know what work could properly be entrusted to his assistant and what work he should retain himself.

No doubt the appointment of personal assistant had resulted in a great change in the status of the sarishtadar. He felt dethroned from his former position and it might happen that jealousies would spring up between him and the personal assistant. The sarishtadar might labour under the impression that he was the Diwan of the Collector, while the personal assistant might think himself the officer in charge of the district next to the Collector. The English head clerk's post might therefore be abolished and the sarishtadar might well be designated manager of the Collector's office, thus doing away with the old importance attaching to the style of sarishtadar.

Mr. Cumming stated that his experience of a personal assistant has been utterly opposed to that of *Mr. Marjoribanks*. In his district the personal assistant had been employed in setting the office right and in that capacity he had been of immense use, whereas the sarishtadar had been of very little help. *Mr. Cumming* did not see the necessity for retaining the sarishtadar as the ministerial head of the office where a personal assistant was also employed, and would replace that appointment by a post on the same footing as that of the English head clerk.

The Hon'ble Mr. Clegg had noticed very great improvement from the appointment of a personal assistant in Coimbatore, where he had himself formerly served as Collector, and was emphatically in favour of the system. As regards the abolition of the sarishtadar, he said that the volume of work in the Collector's office would be too much for one officer. It was necessary that there should be one man to deal with the revenue correspondence and another for the vast amount of miscellaneous work. One of these branches should go to the sarishtadar and the other to the head clerk. It was not however necessary for papers about the revenue correspondence to pass from the sarishtadar through the personal assistant; such papers might very well go to the Collector direct, thus avoiding duplication of work, except in the case of certain special subjects which might be referred to the personal assistant. *Mr. Clegg* would make the sarishtadar head of a section and not a general supervising officer but he must retain the same status and pay as now. In fact even in the olden days the sarishtadar had no time to attend to the general supervision of the office.

In answer to an enquiry by *Sir Harold Stuart*, *Mr. Clegg* said he could not express a decided opinion whether a personal assistant was desirable in every district.

Mr. Aziz-ud-din, referring to *Mr. Clegg's* observation, said that in his experience it was not desirable that all revenue correspondence should pass from the sarishtadar direct to the Collector. Both his own personal assistants, whom he had consulted, were of opinion on the contrary that all papers from the sarishtadar should come before the personal assistant, as otherwise the latter would not be in close touch with what

was going on in the office, nor could he control the subordinates. *Mr. Aziz-ud-din* thought it certain that before long jealousies between the personal assistant and the sarishtadar would arise if the sarishtadar were allowed to retain his former status.

Mr. Wood had no doubt two officers were wanted, i.e., both a sarishtadar and a head clerk.

Mr. Paddison thought two section heads should suffice.

His Excellency, summing up the discussion, said that the general conclusions seemed to be—

(1) that the system of relief to Collectors, whether through an Additional District Magistrate or by means of a personal assistant, had been found to work well,

(2) that relief was required in many if not in most districts,

(3) that an Additional District Magistrate would probably give more relief than a personal assistant,

(4) that in all districts where assistance was required the personal assistant would as a rule be of great help, but in the heavier districts an Additional District Magistrate would be of greater value, and

(5) that it would be possible and perhaps advisable to re-arrange the office in two sections by dispensing with the sarishtadar or at least depriving him of his present supreme position.

SUBJECT 2.—SELECTION OF PERSONAL ASSISTANTS TO COLLECTORS.

Note.—For the notes on this subject see page 9.

In response to His Excellency's invitation for criticism or remarks, *the Hon'ble Mr. Cardew* said that under paragraph 6 of the Board's Standing Orders Collectors had power to transfer deputy collectors on general duty from one charge to another in the district and therefore it was doubtful whether the Collector did not already possess the power to transfer his personal assistant to divisional charge and *vice versa*. If not, it would be made clear that this power was possessed by Collectors.

Mr. Marjoribanks considered it very advisable that Collectors should be allowed to choose their personal assistants from amongst the officials within their districts, so that in case they were not satisfied with any individual as personal assistant, he might be sent away and a suitable officer selected to replace him.

Mr. Banerji said that the selection would be very difficult, as there were generally only three or four divisions in a district, of which at least one was a Civilian division. His point was that under the present system there was a wider field of selection and, as a personal assistant ought to be a capable man, it would be better to leave the appointment in the hands of Government. In Cuddapah, for instance, at the moment there were only junior deputy collectors in divisional charge and the selection of a suitable personal assistant, if choice were limited to the district, would be a hopeless task.

His Excellency observed that in such circumstances it would always be open to the Collector to ask Government to send him another officer if he could not find a satisfactory personal assistant in his own district. The sense of the Conference seemed to be in favour of *Mr. Aziz-ud-din's* proposal.

Mr. Aziz-ud-din closed the discussion by saying that personally he attached very little importance to this topic. In mooted the subject his main object was to secure administrative efficiency and this was also the view taken in the Secretariat note. It was necessary however that the selections of personal assistants by Government should be made on the right lines. As observed by *Mr. Marjoribanks*, the advantage of leaving the choice to Collectors was that they could send an officer back to divisional charge if he proved unsatisfactory as personal assistant, while as to *Mr. Banerji's* remarks about the difficulty of selections confined to the district *His Excellency* had pointed out the remedy, namely, that if there was not a suitable man in the district, it was open to the Collector to approach Government in the matter.

SUBJECT 3.—TERMINATION OF DEPUTY COLLECTORS' PROBATION.

Note.—For the notes on this subject see page 11.

Commenting on *Mr. Aziz-ud-din's* note, *Mr. Wood* stated as his opinion that it would be sufficient if the grounds for the termination of the probationary period were communicated demi-officially and confidentially to officer concerned.

The Hon'ble Mr. Cardew said that it was not desirable to lay down a hard and fast rule requiring all unfavourable remarks to be communicated to the officer reported on, because to do so prevented reporting officers from reporting fully. When the unfavourable remarks related to defects in character which could not be amended, it was useless to communicate them, but when they related to such defects as might be corrected, they should be communicated. Wherever it was thought necessary and advisable to inform the officer of his shortcomings, only the purport of the indictment, and not the whole text, should be communicated to him.

As regards giving a probationary deputy collector a warning and an opportunity of improvement before he was reverted, that course was in fact usually followed at present, but no cast-iron rule could be laid down on the subject.

Mr. Aziz-ud-din said that the Secretariat note had given him information most of which was not at his disposal when he prepared his note, but one point had not been touched on by the Secretariat. There was no reference to the fact that in many cases where an officer, on being condemned by Government, was transferred to another district or reverted to his former appointment, the Collector of the district to which he was so transferred or reverted did not receive information of the reasons for the condemnation. This meant that the Collector could not adequately watch the further career of the condemned officer. It was very desirable that Government should communicate to the Collector concerned the reasons for their action. The officer himself ought also to be given a hearing before being condemned.

The Hon'ble Mr. Davidson remarked that in all cases where a further trial was desired, it was the present practice to furnish the Collector concerned with a statement of the respects in which a probationer was considered wanting. The Collector was therefore in a position to exercise effective scrutiny.

His Excellency, in summing up the discussion, remarked that there was a good deal in what *Mr. Aziz-ud-din* said. In the first place, men who were reverted should, wherever possible, be given to understand the reasons for their reversion, if only for their own good and to enable them to correct their future conduct. As a rule, this was now done. As regards the second point, namely, that the Collector concerned should be informed of the reasons which led to the condemnation of an officer, *Mr. Davidson* had pointed out that this was the ordinary practice. All these matters were, however, questions of degree, and while there was general assent that every officer should be treated in complete fairness in such matters, it was difficult to lay down any hard and fast rule on the subject.

SUBJECT 4.—VERNACULAR TESTS OF DEPUTY COLLECTORS.

Note.—For the notes on this subject see page 13.

The Hon'ble Mr. Cardew said with reference to Mr. Aziz-ud-din's proposal to allow officers to pass in their second vernacular *after* appointment as deputy collector and not to force them to pass *before* appointment, that the great objection was that men became less able to acquire a fresh language as they advanced in age. The average age at which a man now became a deputy collector was from 40 to 42, and many were not appointed until much later—at 45, 46 or even 48. If deputy collectors were allowed to put off passing in a second language until after appointment, they would find increased difficulty in passing and the result would be an increase in the number of applications for exemption, which, as experience had shown, it was sometimes difficult to refuse, particularly when a man was reported to be doing good work generally. If, on the other hand, the rule was maintained, every man would pass the examinations in the early stage of his service.

Mr. Braidwood had no doubt that the present system was a great improvement on the old practice of permitting the examinations to be taken after appointment.

The Hon'ble Mr. Gillman agreed.

Mr. Aziz-ud-din observed, with all deference, that the present rule, while perhaps sound in theory, was open to practical objections. A deputy collector always knew his mother-tongue well, but even though he passed in a second language, not his mother-tongue, he was apt to forget it in a few months and the advantage which Government expected from the acquisition of a second language was therefore lost. In Mr. Aziz-ud-din's opinion, the efficiency of an officer depended not so much upon his language tests as upon his capacity for work. The second language might well be learnt by an officer after joining the district in which it was spoken.

The Hon'ble Sir Harold Stuart pointed out that the advantage of the compulsory test was that the grounding thus acquired enabled the officer to pick up the language much more rapidly if later on he was posted to a district of which it was the vernacular.

His Excellency suggested the advisability of passing on to the connected, but much more important, subject introduced by Mr. Moscardi, namely, No. 5—Training and transfer of junior officers; and there was no further discussion of the particular case of the vernacular tests prescribed for deputy collectors.

SUBJECT 5.—TRAINING AND TRANSFER OF JUNIOR OFFICERS AND IMPROVEMENT OF THEIR KNOWLEDGE OF THE VERNACULARS.

Note.—For the notes on this subject see pages 15—21 and 105—106.

Mr. Moscardi said that he had nothing to add to his printed notes.

Mr. Wood accordingly began the discussion by expressing his general agreement with Mr. Moscardi in the statement that officers did not really know any vernacular language. It was stated in paragraph 19 of the Secretariat note that, as soon as an officer passed his higher standard in one language, the rule was to transfer him to another language area, but in fact an officer was so transferred before he had had a proper opportunity of using his first language. The point to be insisted on was that an officer must have one language at his finger tips, and be able to think in it; it was more important to know one language in this way, than to have a semi-knowledge of two languages. The officers who were capable of taking cases in the vernacular and summing up to a jury in the vernacular were those who had not been transferred from one language area to another.

The Hon'ble Mr. Butterworth drew attention to the fact that the rule cited in the Secretariat note was based on G.O. No. 1317, Public, dated 11th October 1914, and had not yet been enforced in a single case, so far as he was aware.

Mr. Innes pointed out that the Dravidian languages were difficult and uninteresting. There were so many languages in use in the Presidency that the Madras civilian could never be expected to know the vernaculars as well as the North India civilian knew Hindustani. An officer was always liable to be transferred to another language area before he had really mastered the language of his first district. Mr. Innes suggested that the main point to aim at was that an assistant collector should master thoroughly his first language before he was transferred to another language area.

He next criticized the existing language examinations as unpractical. The literary part was too hard and the conversational part too easy. He admitted that an officer should be able to read and write his first language correctly and that a grounding in grammar was necessary. But nothing more than a grounding was required and only the lower standard examination should be literary. It should be so arranged that an assistant collector should have no difficulty in passing the lower standard in six months.

The higher standard examination, on the other hand, should be a severe practical test. It should be held in the district, the examiners being the Translator and the Collector. The assistant collector should be required (i) to act as interpreter at a ryots' conference, (ii) to try a case in the vernacular and (iii) to read vernacular petitions. The Translator would be able to maintain a sufficiently high and uniform standard for all districts of the same language area. An assistant collector who did not qualify in four years should go.

An officer transferred to another language area should be required within a year to pass an examination in conversation and reading arzis. If he passed in the year he should be rewarded; if he did not, he should revert until he did.

These proposals were drastic but in Mr. Innes' opinion represented the minimum compatible with efficiency.

Mr. Banerji considered the two points which stood out prominently in Mr. Moscardi's note to be (i) that civilians did not know the languages sufficiently, which indicated the need for alterations in the examination system, and (ii) that there should be no transfers, which implied that officers should be required to remain in the same district continuously.

As regards the drastic measures which Mr. Innes had proposed, the whole change, he thought, should be made from the beginning. As an officer could not find time to study languages when in harness, it was essential that he should be afforded facilities for the purpose. At the same time a young officer must be made to study the Criminal Procedure Code, the Evidence Act, the Board's Standing Orders, etc., in order to get acquainted with the nature of the administration before actually beginning to take part in it. Consequently, although some of the subjects might be eliminated, the departmental examinations should not be altogether altered.

As regards transfers, there was serious objection to an officer remaining continuously in the same district or to his re-joining the same district on return from leave. The districts of the Madras Presidency had characteristic varieties in respect of climate, language, social and religious customs and a civilian who remained in the same district would be very much handicapped. Further, a man was sure to become stale if he stayed too long in one district. A fresh outlook and new blood would sometimes be desirable. No hard and fast rule could be laid down in the matter but two or three years' stay in one place was quite a reasonable period. Then again, transfers certainly gave an officer that varied experience in the administration which was essential; within fifteen years an officer might acquire a comprehensive knowledge of the conditions of the Madras districts, which would be of very great use to Government when he rose to a higher position.

Mr. J. M. Turing suggested that the treasury training, which now occupied about six weeks, might well be dispensed with, as it was put to no practical use until the officer had become a Collector, ten or twelve years later, by which time he retained no recollection whatever of the training.

Mr. Aziz-ud-din observed that the discussion seemed to be narrowing down to (i) Mr. Hemingway's suggestion that other tests should be dispensed with in the case of young civilians, provided that the ryots' language was learnt thoroughly, and (ii) Mr. Turing's proposal that treasury training should be done away with. Mr. Aziz-ud-din's view was that a young civilian should not be a mere tool in the hands of his clerks; he ought, without depending upon his office, himself to know the laws and regulations so as to ensure justice being done to those who approached him for it. The standard of the tests might be lowered but the tests should remain. He agreed with Mr. Hemingway that it should be sufficient for a civilian officer to learn the language of the ryot as distinguished from the literary form and facilities should be afforded for the acquisition of such acquaintance with the vernaculars. Mr. Innes' proposals involved much too severe a test.

The Hon'ble Mr. N. S. Brodie agreed with Mr. Moscardi to the extent that much of a young civilian's time was lost by studying for other examinations than those in the vernacular. The primary trouble was that young civilians now came out at too advanced an age and were anxious to earn more pay to meet their growing expenses. They could not reasonably be kept on their initial pay for several years pending the passing of examinations.

As regards transfers, in Mr. Brodie's personal experience it was a great mistake to keep an officer in the same district continuously and thus deprive him of practical knowledge of the other parts of the Presidency.

Mr. Innes' suggestions about study and examination in languages could be carried out only when an officer was an assistant collector with no other work to do, but that period lasted for too short a time. An assistant collector very often remained in one district or one language area only for a few months. It was essential that transfers from the first language area should not be made in the earlier part of an officer's service.

An officer could learn the language thoroughly if kept in the same language area for two or three years, but if he was to get such a thorough grasp of the language as never to forget it, it was desirable that he should remain there for several years longer. There were strong objections to the new rule that the junior civilian should be transferred as soon as he had passed the higher standard. Finally, Mr. Brodie considered that one language was enough, if thoroughly learned, and would do away with any compulsory examination in a second language.

His Excellency then drew the attention of the Conference to the new language rules laid down in G.O. No. 1317, Public, dated 11th October 1914, reading out the following passages therefrom:—

"The papers read above relate to the revision of the scope of the compulsory examinations in the vernacular languages prescribed for junior civilians serving in this Presidency. In paragraph 667 of their report the Royal Commission on Decentralization in India laid stress upon the importance of making these tests more searching and practical. The matter has since been under correspondence with the Board of Revenue and the Board of Examiners, and the Government now proceed to record their conclusions on the several points involved.

"The Government agree with the Board of Revenue and the Board of Examiners that the written portion of the language examinations should be retained both in the lower and the higher standard."

That was the first conclusion.

"They also consider that the present practice, according to which a candidate is examined both orally and by papers at one time in Madras, should continue."

That was the second conclusion:—

"The Government accept the proposal of the Board of Examiners that the examination in a second language at present prescribed for the higher standard should be abolished.

"Accordingly, the departmental tests which a junior civilian is required to pass before he becomes entitled, as a 'passed assistant,' to enhanced pay will in future include only a single language."

That was the third conclusion, and the order continued:—

"The Government, however, consider it very important that an officer should be conversant with more than one of the languages of the Presidency; and in order to ensure this, junior civilians after serving for two or three years in one language area and qualifying in that language by the higher standard will be transferred to another language area and will be required to pass by the lower standard in the vernacular of that area before becoming eligible for promotion to the substantive rank of sub-collector. This will complete the compulsory tests which an officer will be required to undergo, as the Government have decided that the existing rule according to which an officer of less than eight years' residence in India is liable to be examined in a third or subsequent language should be abolished. In order, however, to encourage a study of the vernaculars, the Government have decided, with the approval of the Government of India, to grant a reward of Rs. 500 to an officer who, at any period of his service,

- (a) passes in a second language by the higher standard, or
- (b) passes in a third or subsequent language by the lower standard."

Then came the question of the tests:—

"As the higher standard examination will henceforth include only a single language, it follows that the tests in that language should be made substantially more exacting than they are at present. The Government must entrust the duty of ensuring this very largely to the discretion of the Board of Examiners. Two features, however, they desire to see included in the higher standard examination. Candidates should be required to read and to translate orally into English passages from vernacular text-books and newspapers as well as the arzis at present prescribed. And, secondly, while conversation with an ordinary uneducated ryot or menial will be a sufficient test for the lower standard, in the higher standard a candidate should give proof of his ability to converse politely and grammatically with educated Indians.

"For the written part of the tests, the Government consider that it will be sufficient to have a single examination for both standards, 50 per cent. of the maximum number of marks procuring a pass by the lower standard, and 70 per cent. a pass by the higher standard."

The foregoing extracts explained the system recently instituted and the opinion of the Conference with regard to its adequacy would be welcomed.

The Hon'ble Mr. Gillman, speaking from his experience as an examiner, said that so far as concerned the written portion of the vernacular test there was nothing to complain of; civilians generally failed in conversation and in the reading of arzis. The inference he drew was either that officers had not sufficient opportunity to improve their conversational powers while they were at district headquarters or else that they were given divisional charges too soon. Something therefore ought to be done to ensure more colloquial fluency. The only point in G.O. No. 1317, Public, dated 11th October 1914, to which exception could in his opinion be taken was the rule directing the transfer of an officer to another language area after passing the higher standard. Though that standard was now made much more difficult and should result in candidates having a better knowledge of the language, it was nevertheless very doubtful whether two or three years' stay in one area was enough

for an officer to get thoroughly acquainted with the language spoken in it. He ought to remain at least a year longer in the same district after passing the higher standard.

Mr. Paddison attached very great importance to the language question. He was very much disappointed with the recent Government order because of the stress laid upon the written portion of the test. Civilians could all pass literary tests but colloquial proficiency was a different matter and a far more important asset than acquaintance with the vernacular in a literary and "high" spirit. The effect of the present system was that an assistant collector sat down and read text-books and newspapers and so forth with a view to get through the examination, but would not go out and get acquainted with the colloquial language by talking to the ryots. It was perhaps essential that he should be able to converse with Indian gentlemen in the literary style but this was not nearly of so great importance as that he should be able to talk to the ryots on the subjects that interested them most. The only way to do this was to go out into the fields, learn the names of crops, agricultural implements and the like and use every opportunity of conversation with the ryot, who in this way got to recognize an officer as a comrade in whom he could place confidence.

One point to which *Mr. Paddison* specifically referred was the absence of a dictionary of common phrases in Tamil or Telugu similar to Maltby's "Uriya Handbook." He had found that publication invaluable and strongly recommended the preparation of similar handbooks in Tamil and Telugu so as to enable assistant collectors to learn the domestic and agricultural details of the life of a farmer in this country. He would require junior civilians to go out daily and with the aid of their phrase-book learn by actual conversation with ryots the customs of the country and the habits of the people. That was the most important portion of the training of a young civilian and one way of securing it was to put him on settlement work, for a settlement officer did much of his work without a clerk and must talk himself.

Mr. Braidwood, who was in general agreement with *Mr. Paddison's* views, thought it impracticable for any person to learn one language thoroughly and also to acquire that thorough knowledge of the revenue administration in all parts of the Presidency which *Mr. Brodie* regarded as desirable and useful in later years.

The Hon'ble Mr. Brodie here interjected that his point was the undesirability of transfer in the first years of an officer's service.

Mr. Braidwood suggested that an officer should be kept for at least six years continuously in the same language area so as to get a thorough knowledge of one vernacular. With regard to the radical changes in the present system proposed by Messrs. Innes and Moscardi, *Mr. Braidwood* cited his own experience as showing that it was possible to learn one language sufficiently well for all practical purposes by staying in the same vernacular area for a fairly long time; he had himself been in the Telugu country for 12 to 15 years. The Decentralization Commission had suggested the desirability of keeping an officer in one language area as much as possible and Government had recognized this to a certain extent. It was however essential that an assistant collector should not be given charge of a division until he had passed the compulsory portion of the examinations, for it was a great hardship for a young civilian to be sent to a divisional charge where without drawing any extra pay he might have to work for about twelve hours daily, thus finding no time in which to study for his examinations. The reading of newspapers should be abolished, as it only involved a knowledge of the literary language, which could be learnt without much extra study and was practically useless. The present period of settlement training was not long enough to give sufficient practice in speaking the vernacular, but as suggested by *Mr. Paddison*, the preparation of manuals in other languages similar to Maltby's "Uriya Handbook" would be of great use. With such assistance and a good munshi it ought to be possible for a young officer to talk with the ryots in two or three months.

Mr. Hemingway pointed out that while it was recognized that the present knowledge of vernacular languages was not sufficient, no one had suggested any means of relief by which such knowledge could be attained. *Mr. Innes*, for instance, had

demand a much higher standard but the difficulty was how to find time for it. At present a young civilian had to study a long list of Acts and Regulations for his examination and much time was spent thereon. In *Mr. Hemingway's* opinion it was not really necessary to require an officer to pass an examination in these subjects and it would be quite sufficient for practical purposes if he were to acquire a knowledge of them in the actual working of the administration. He suggested the preparation of a simple compendium of useful knowledge dealing with the administration of the Presidency as a substitute for the long list of original Regulations, Acts and standing orders, which was now prescribed for study. One distinct advantage resulting from the recent Government order was the abolition of one of the two languages formerly prescribed for the higher standard. But that simplification was not sufficient. *Mr. Hemingway* would either very greatly simplify the examinations in other subjects or abolish them altogether, and he much preferred the latter course.

The Hon'ble Mr. Cardew said that the opinions expressed showed a general agreement that the knowledge of the vernaculars possessed by civilians was insufficient. The practical question was how to effect an improvement in this matter. The only plan to secure this was to reduce the demands made on the time of the assistant collector in other respects. If, therefore, the first essential, namely, improvement in the knowledge of the vernacular, was to be secured, something must be sacrificed. Possibly the written part, namely, translation into the vernacular from English, might be sacrificed, as less essential for a district officer; possibly the treasury training and the examination in the Civil Account Code might also be abolished; and it might be feasible to reduce the extent of the examinations in law.

There was then the question whether the examination should be held in Madras. Under the old system officers were examined in the district by a Board consisting of the Collector and the Judge, but that proved a failure for the reason that the local officers were too lenient. Therefore, the system of examination at Madras must be retained.

Some of the suggestions which had been made as to the conduct of the examinations seemed impracticable, but as regards the question of transfers all were agreed that they were too frequent and ought to be reduced. There was no fear of men being kept for indefinite periods in the same district. The difficulty was to keep them there long enough and any changes should be directed to the endeavour to remove the causes and to reduce the opportunities of transfer as much as possible.

As to the suggestion that men should learn only one language and should be retained in one language area, the objections were that in connection with the posting of officers on return from leave this might involve an increase of transfers and that it would also result in inequalities of promotion, thus creating dissatisfaction among the members of the service.

Mr. Young suggested the omission of all examinations without books of reference.

Mr. Moscardi observed that the Basel and other missionaries spoke the vernacular excellently because their recruits were not allowed to do anything else for their first two years and were obliged to devote five or six hours a day to learning the language. Further, they really learnt to write it, because their sermons had to be written in the vernacular.

It would certainly be impossible to keep officers for the greater part of their service in one and the same language area because of the loss of promotion which, as *Mr. Cardew* had pointed out, the enforcement of such a rule might entail. *Mr. Moscardi* had not considered that aspect of the case when he embodied the proposal in his notes and desired now to withdraw it.

Mr. Gillman thought that all text-books might very well be abolished but considered written translation into English to be necessary in order to secure grammatical conversation. He would have only one examination in the Revenue Code, Criminal Procedure Code and the Civil Account Code at the lower standard and would confine the higher standard to language, survey and settlement.

Mr. Aziz-ud-din agreed with *Mr. Cardew* that the written translation might be abolished. All that was wanted was colloquial knowledge of the language. He also concurred with *Mr. Young* that examinations without books might be done away with. If the young civilian was able himself to find out where certain information was available, that would be sufficient for practical purposes. It did not seem necessary that an officer should be kept in one district for four or five years simply to learn the language. A civilian who did not acquire colloquial proficiency in three years was not likely to pick it up in six years or any time. On the other hand *Mr. Aziz-ud-din* had had one assistant collector serving under him who had learnt Tamil in a very short time because he took a real interest in it. As regards the advantage of working with a settlement party, it was to be feared that even if there was no clerk to aid him, the young civilian would be apt to appeal for help to the local schoolmaster or somebody else, and after all he had not much occasion to speak with the ryot.

His Excellency in concluding the discussion observed that the general opinion seemed to be that while perhaps the Government order of 1914 did not go far enough, it was on the right lines, particularly, in so far as the higher standard was now confined to one language instead of two as hitherto. A thorough knowledge of one vernacular was apparently the chief initial desideratum.

SUBJECT 6.—USE OF HORSES BY REVENUE OFFICERS.

Note.—For the notes on this subject see pages 23—26.

Mr. Macmichael's opinion was that the combination of motor-car and horse was the best arrangement for purposes of inspection, the car being used on the roads and the horse for cross-country work. There was no reason why the use of motor-cars should be discouraged.

Mr. Aziz-ud-din concurred in *Mr. Macmichael's* view.

Mr. Braidwood explained that his intention was not so much to discourage the use of motor-cars as to encourage the use of horses. He considered that an officer using a motor-car was likely to stop at the end of a good road and end his inspection there, leaving the tahsildar or some other subordinate to inspect the more remote parts. *Mr. Braidwood's* main point was that, if officers used horses, they would cover their districts more thoroughly and that this should be encouraged.

The argument was specially applicable to divisional officers, but Collectors who did not themselves ride—and there were some such—were not in a position to enforce the use of horses by their divisional officers.

Mr. Cardew pointed out that the subject had lately been referred to the Board of Revenue and that in the opinion of the Full Board (as stated in its Proceedings No. 2061, dated 24th July 1915, communicated to members of the Conference), the possession of motor-cars tended to increase the efficiency of the divisional officer. He also quoted the views of Messrs. *Macmichael*, *Tottenham* and *Innes* embodied in the Board's Proceedings to the same effect and himself expressed the opinion that motor vehicles saved time and labour and that their use should not be repressed.

SUBJECT 7.—DAILY ALLOWANCE OF TAHSILDARS AND DEPUTY
TAHSILDARS.

Note.—For the notes on this subject see pages 27—28.

His Excellency observed that, as the Secretariat note indicated, the objections to Mr. Aziz-ud-din's suggestion were purely financial.

Mr. Aziz-ud-din said that if the principle of his proposal was accepted, there was no need to discuss the matter.

On *His Excellency's* enquiry whether the Revenue Department had accepted the principle, Mr. Davidson replied that this was a matter rather for the Financial than for the Revenue Department, and the discussion then closed with *His Excellency's* remark that Government must not be understood to have accepted the principle.

SUBJECT 8.—COLLECTORS' PRINTING PRESS.

Note.—For the notes on this subject see pages 29—30.

Mr. Wood explained with reference to the Secretariat note on this subject that in printing a special form the Collector was not employing any additional hands or using paper which would not be otherwise used. He quoted a specific instance in which he had wanted to print a special form for the purposes of a report to the Board: the treasury deputy collector said this could not be done in view of the orders of the Government; *Mr. Wood* then got the form printed at a private press at a small cost—Rs. 2 or Rs. 3 (which he paid himself)—in about an hour's time, whereas it would have taken over 20 hours if the forms had been sent out for the taluk clerks to do in the usual way. It was absolutely immaterial what branch of the establishment turned out such forms from the point of view of cash expenditure, while it was absurd from a business standard to spend 20 or 30 hours in doing what could be done in one or two hours. The rule against printing forms did *not* prevent any Collector from using or prescribing special forms; it only prevented him from printing them; *i.e.*, it involved the consumption of a maximum amount of labour and time in writing them.

Mr. Banerji supported *Mr. Wood's* view and pointed out that he had to send on an average two reports a day to the Board of Revenue for the correction of painmash numbers. This meant an enormous amount of clerical labour for the office and much waste of time. When he requested the treasury deputy collector to have the form printed, that officer quoted the Government order which prohibited the printing of such forms without the sanction of the Board, and the matter was now under consideration whether an application should not be sent to Board for sanction.

His Excellency concluded the discussion of this topic with the remark that, as the specific cases cited showed, the matter clearly required further consideration and would receive it.

SUBJECT 9.—COLLECTORS AND DISTRICT FOREST OFFICERS.

Note.—For the notes on this subject see pages 31-32.

This subject was not formally opened, Mr. Hemingway intimating that he had nothing to add to his printed note.

Mr. Cumming desired to associate himself with the proposals which Mr. Hemingway had made for a modification of the relations between the Collector and the District Forest Officer. It had always been a matter of some difficulty to understand what exactly was the *rationale* of the present procedure according to which all correspondence on forest matters issued in the name of the Collector. There was no Collector at the Conference who would wish to deprive his District Forest Officer of the credit which rightly belonged to him with regard to reports on forest matters. As Mr. Hemingway had pointed out, a number of papers came before the Collector which dealt with purely technical questions and had little, if any, connection with the general administration; it was unnecessary that the Collector should deal with such matters and if correspondence were to issue in the District Forest Officer's name the Collector would be saved a considerable amount of work. There was, however, one qualification which Mr. Cumming would like to make with regard to the proposal before the Conference. It was proposed to place the District Forest Officer in precisely the same position as the District Superintendent of Police. If the members of the Conference would look at the Police Orders they would find it there distinctly stated that the Superintendent of Police was the assistant to the District Magistrate for the purposes of police administration. Mr. Cumming would accordingly recommend that in any orders to be issued on the question the position of the District Forest Officer should be similarly defined. The extract from the recommendations of the Board of Revenue in the printed note did not clearly indicate that this was contemplated. If any argument was needed in support of this suggestion, it would be enough to refer members of the Conference to the quotation from the recommendations of the Decentralization Commission extracted on page 74 of the printed papers. For the reason mentioned therein the position of the District Forest Officer as an assistant to the Collector should be emphasized.

Mr. Aziz-ud-din pointed out that, when the Forest Code was last revised, the principle has been recognized that it was only in professional matters that the Collector had nothing to do with his District Forest Officer and that with regard to matters which concern the public the Collector's position ought to be made secure. He fully agreed with Messrs. Hemingway and Cumming in their opinions, but at the same time, if the District Forest Officer was to be made independent of the Collector in professional matters and in other respects in general, then appeals from watchers and guards need not lie to the Collector in future but might go to the Conservator.

The Hon'ble Mr. Gillman observed that this was the procedure contemplated in the Board's Proceedings now before Government. The actual wording proposed was as follows :—

"The Conservator is the chief forest officer in the circle under his charge. He is responsible for all professional, departmental and financial matters throughout his circle. He is responsible for the audit and control of accounts as provided for in Chapter IV and he is also vested with independent authority in the matter of the appointment, transfer and punishment of forest subordinates of certain classes and with special functions connected with the preparation and control of working plans."

The Hon'ble Mr. Davidson pointed out that the clerks in the district forest office were excluded from the Conservator's control.

The Hon'ble Mr. Gillman agreed that these clerks would continue to be a portion of the Collector's establishment. This exception was proposed in order to ensure a free flow of clerks from the Collector's office and to give a general training in forest matters which might be useful to them afterwards as sub-magistrates. Quoting further from the Board's Proceedings Mr. Gillman continued :—

"The District Forest Officer is the head of the Forest Department in his own district and has the control and is responsible for the general management of the forests situated therein. The Collector as the head of the district must be consulted in regard to all forest matters of general administrative interest as affecting the public or other departments."

Matters such as grazing, fresh reservations, the grant of wood, etc., would thus come before the Collector.

Mr. Aziz-ud-din considered the expression "consulting the Collector" to be very vague. The Collector might be consulted and his opinion brushed aside. Mr. Aziz-ud-din had made the same criticism when called as a witness before the Decentralization Commission. His complaint then was that the Conservator of Forests did not go to the village to enquire into the ryots' forest grievances and yet, when the Collector differed from him, it was the Conservator, who had not seen the place, that succeeded in carrying his point against the Collector, who was the local officer and had visited the locality and personally heard the ryots' grievances. Mere consultation would not do: something more than that must be laid down. The Collector should not be at the mercy of the District Forest Officer; he should be able to exercise the same control over him as the District Magistrate exercised over the Superintendent of Police. In the case of the Superintendent of Police there were several safeguards. The Criminal Procedure Code itself laid down many directions and the Superintendent had to go to the District Magistrate for orders. Unless some restrictions of that kind were laid down in the Forest Department, there would be considerable practical difficulty with regard to the relations between the Collector and the District Forest Officer.

The Hon'ble Mr. Gillman said that that was the intention. The Collector ought to have the final word in settling all matters and, if Government thought necessary, the wording of the Code could easily be made more clear on the point.

Mr. Banerji urged that in the re-organization of the present system stress ought to be laid on the importance of keeping the Collector informed as to what was going on in the Forest Department. It seemed desirable to differentiate the subjects in which consultation of the Collector was optional or obligatory. He also wished to distinguish clearly between what was technical and what was administrative and in that connection quoted a recent instance at Sidhout, where a large number of ryots complained to him that the District Forest Officer had refused to allow their cattle to graze in a certain reserve with reference to a change in the rules introduced by the District Forest Officer without the knowledge of the Collector with the object, apparently, of calculating the grazing possibilities of the reserve. Though that might be regarded as a technical forest point, the change was one which ought not to have been introduced without prior consultation with the Collector, as it affected the interest of the ryot population.

The Hon'ble Mr. Gillman agreed that in such a matter as the limitation of grazing the Collector ought to be consulted.

Mr. Young enquired whether it was necessary that the District Forest Officer's establishment should form part of the Collector's office if the proposed changes were brought into effect. He considered that, owing to the difficulty sometimes experienced in finding clerks for the district forest office, it might perhaps be desirable to allow the District Forest Officer to recruit his own establishment.

The Hon'ble Mr. Buckley pointed out that the clerks in the Collector's office did not want to go to the forest office for fear of finding themselves in a backwater from which they could not escape. To remedy this he used when he was a Collector to make the forest head clerk's post one of the stepping stones to a sub-magistracy. In this respect, however, he did not always secure the support of the District Forest Officers, because they objected to changes in the *personnel* of their staff. Another important

consideration was that if the district forest office was separated from the Collector's office, the District Forest Officer was sure to experience difficulty in procuring the right stamp of clerk.

Mr. Aziz-ud-din, while agreeing with *Mr. Buckley* in this respect, drew attention to another danger, viz., that clerks who remained long in a district forest office were likely to become corrupt.

His Excellency here remarked that apparently the only step necessary was to clarify the position of the Collector with reference to the District Forest Officer.

Mr. Hemingway considered it advisable to lay it down that pending orders from higher authority the Collector's opinion should prevail as to what was or was not a matter of general administrative interest. For instance, questions of fuel and small timber (for ploughs, etc.) were intimately connected with the convenience of the public. The Collector should also have the right to call for any papers from the district forest office. *Mr. Hemingway* concurred in the protest against the principle that the clerks of forest offices must necessarily belong to the Collector's establishment. With regard to the analogous case of the Police Department, there was a separate police establishment with its own opportunities of promotion and it was not clear why it should be difficult to recruit clerks for the district forest office.

The Hon'ble Mr. Gillman pointed out that the pay of the superior posts was much higher in district police offices than in district forest offices.

The Hon'ble Sir Harold Stuart agreed that the scope for promotion was much wider in the Police Department.

Mr. Hemingway pointed out that some Conservators had been in favour of direct recruitment of establishment for the forest office and that this plan had been in force a few years ago. As to the existing system, it was further to be observed that the experience gained by clerks in the forest office was really wasted, being of no use to them when they reverted from the forest branch; similarly, the clerks' previous experience was equally wasted, as it was of no use to them in dealing with forest matters.

The Hon'ble Mr. Gillman did not agree with *Mr. Hemingway's* view that the training received in a district forest office was of no use to a clerk in his after-career. On the other hand he thought that it had the greatest value, if he became a sub-magistrate. An important point in the comparison between forest and police service was that forest clerks could not rise above Rs. 60, whereas in a police office it was possible to get up to Rs. 200. Finally, most of the forest officers of this Presidency whom he had consulted were strongly in favour of the forest establishment being treated as a part of the Collector's establishment.

His Excellency concluded the discussion by remarking that the general sense of the meeting was in favour of *Mr. Hemingway's* suggestions that Collectors should have power to call for forest papers and that their authority should prevail provisionally until receipt of orders from higher authority. But the main point was to secure the position of the Collector beyond possibility of doubt.

SUBJECT 10.—WORKING OF THE DIFFERENTIAL WATER-RATE SYSTEM.

Note.—For the notes on this subject see pages 33—34.

This subject was not formally opened, *Mr. Macmichael* having nothing to add to his printed note.

Mr. Turing concurred in *Mr. Macmichael's* views with regard to the working of the differential water-rate system. He had had to work the system while he was in Kurnool, where it was first introduced outside the delta, and also in the delta while he was divisional officer at Bezwada; he had further watched its working as Collector in the Kistna and Gōdāvari deltas. In his opinion the system was extremely difficult to work: it occupied much time and it was impossible to make the ryots understand it: it threw too much power into the hands of the karnam: it was based on no intelligible system at all and did not represent the value of the crops or of the water: further, the amount paid as water-rate, in the delta tracts at all events, formed such a very small portion of the value of the crop to the ryot that it really did not seem worth while to follow a procedure which, like the differential system, attempted to value the water down to the last anna.

Mr. Aziz-ud-din remarked that the system involved a great amount of work not only to the jamabandi officer and his establishment but also to the karnam. It was not in force in his own district (South Arcot) but in his opinion it was not working well where it had been introduced. *Mr. Butterworth's* system, as mentioned in paragraph 23 of Board's Proceedings No. 225, dated 14th August 1915, appeared on the whole the easiest and the fairest procedure. *Mr. Aziz-ud-din's* present opinion, based on further consideration, was that the distinction between occasional and systematic irrigation of dry crops—which he had previously favoured—might safely be abolished.

Mr. Paddison pointed out that the differential water-rate system could not be easily understood by the subordinate revenue officials and led to many errors in the preparation of the accounts. He would therefore abolish it. His practical acquaintance with the system dated from 1901 when he had been much struck with the difficulty involved in working out fractions of the difference between the wet and the dry assessment of individual fields.

Mr. Marjoribanks also considered that the differential water-rate system should be abolished. But there was not much force in the argument derived from the complexity of the system. There were two factors in calculating water-rates, one being the area and the other the rate, and as the area varied in every case, it did not much matter if there were several rates, for, so far as the calculation work was concerned, tables were used. The real objection to the experiment was that it had not been prompted by any practical reasons, and as no increase of revenue was sought, there was no good reason for its continuance and it might be dropped. The only doubt was as regards the system as it existed at present in the Gōdāvari and Kistna deltas. It was there in force as part of the settlement and it was doubtful whether it could be altered during the currency of the settlement. At the next settlement it would perhaps be advisable to drop the system there also.

The Hon'ble Mr. Davidson observed that the system of fractional rates was first suggested in October 1906 and it was only since then that the troublesome calculations of which *Mr. Paddison* complained had been necessary. *Mr. Davidson* had understood the discussion to relate solely to the experiment introduced in 1906–07, according to which the charge depended on fractions of the difference between the wet and the dry rate. The system obtaining in the Gōdāvari delta, to which *Mr. Marjoribanks*

had referred, dated, it was true, from 1896 or a year or two later, and originated at the resettlement of that tract; according to that system the charge levied might be the difference between the two rates of assessment but not varying fractions of that difference.

The Hon'ble Sir Harold Stuart asked what would be the financial result of adopting Mr. Butterworth's system and whether there was any objection to a uniform water-rate of Rs. 4 per acre being charged in lieu of the proposed scale ranging from Rs. 1-9-0 to Rs. 4-2-0.

The Hon'ble Mr. Buckley said that the responsibility for the varying scale mentioned was his and not Mr. Butterworth's. The Board's Proceedings circulated to members of the Conference had been hurriedly pushed forward for their convenience and was not in its final form. He had not intended the scale to be of universal application throughout the Presidency, but merely desired to recommend its substitution for the standard rates embodied in Appendix I-A to Board's Standing Order No. 4. He quite recognized the need for special rates in special tracts, such as were dealt with in the other appendices to that order, but had not examined the question what modifications, if any, were required in those cases.

Mr. Wood had no doubt at all that the differential water-rate system was bad from start to finish, and was not even justified on theoretical considerations, while the amount of extra labour it gave to everyone who had anything to do with it was enormous.

Mr. Paddison thought that there was no necessity to change the present system, i.e., the standard scale under Appendix I-A to Board's Standing Order No. 4. What he objected to was any extension of the differential water-rate. The standard scale worked well in nearly every district.

The Hon'ble Mr. Butterworth referred to the ancient origin of the differential charge as now levied in the Gōdāvari and Kistna deltas. It dated, he believed, from the sixties and had been generally replaced by fixed rates only in the early seventies.

The Hon'ble Mr. Cardew then invited the opinions of Collectors on the proposal suggested by Mr. Butterworth and supported by the Board in paragraph 23 of its Proceedings No. 225 of the 14th August 1915.

Mr. Wood pointed out that Village Account No. 6 gave much trouble to the karnams, and the tahsildars and the revenue inspectors would like to see it simplified. The proposals in paragraph 23 of the Board's Proceedings did not go as far as was possible in the direction of simplification. He would suggest that the water-rate should be a fixed charge for areas up to 25 cents, from 25 to 50 cents, from 50 cents to 1 acre and so on. This would avoid the difficulty of calculation down to annas, which involved so much trouble especially at the janabandi time when it was necessary to deal with a large number of villages in each taluk. He would be in favour of dividing irrigation sources into two classes and abolishing the distinction between systematic and occasional irrigation.

Mr. Macmichael's suggestions in the direction of simplification of the water-rate accounts were (i) the abolition of the distinction between first, second and third crops, since the value of the different crops did not vary much, (ii) the division of irrigation sources into not more than three classes, and (iii) the discontinuance of the differential treatment of occasional and systematic irrigation.

Mr. Marjoribanks observed in regard to the levy of a uniform water-rate that whatever might be the source of irrigation, whether a large or a small tank, the quantity of water taken for a successful crop ought to carry the same charge. As the existing rules provided for different rates for two groups of irrigation sources, that might continue; but no further differentiation should be introduced.

His Excellency, observing that there seemed to be general agreement in regard to the need for a simplified classification of sources, invited suggestions as to the abolition of the distinctions between first, second and third crops.

Mr. Wood's opinion was that land fertile enough to stand a second or third crop should be well able to bear the same charge for each supply of irrigation.

Mr. Turing said that in the deltas the water-rate for zamindari land was the same for both first and second crops, the supply of water being continuous in both seasons. In those tracts no distinction was drawn between the two crops and he saw no need for it: but the local conditions were exceptional.

The Hon'ble Mr. Buckley considered that outside the deltas the second wet crop was generally less paying than the first, while as regards dry crops he would be inclined to think that the first and the second crops were of very much the same value. In regard to Mr. Wood's proposal of further simplification by charging fixed rates for water for areas up to 25 cents, and then from 25 to 50 cents and so on, Mr. Buckley would not object to the introduction of some such principle as it would save the trouble of measuring small extents. Such measurements as were now recorded were actually only rough estimates.

Mr. Aziz-ud-din did not agree with Mr. Marjoribanks in the view that, so long as water was supplied, there was no necessity to differentiate the sources of irrigation. His own view, as set out at page 38 of the Board's Proceedings, was against abolishing the distinction: what he had reported on this point was as follows:—

"If this distinction is done away with, lands under irrigation sources indifferently supplied will have to pay the same rate of water-cess as those under sources which have perennial supply. So far as the revenue is concerned, there may not be much difference, but the abolition of the distinction will affect the ryot population individually, for the productivity of the soil depends not only on the classification of the soil but also on the extent of supply from the irrigation source."

It should be understood that a third-class source of irrigation did not contain sufficient water and had to be filled two or three times before enough water could be had, and a ryot who was not certain as to his supply of water was not likely to cultivate a crop which, with adequate irrigation, would be more profitable to him. The charge was made only for the water supplied and was really not concerned with the nature of the soil, which had already been fixed at the settlement. Water being supplied, it was only reasonable to charge for it, and the charge should necessarily vary according as the supply was from a first-, second- or third-class source of irrigation. It was therefore essential to differentiate between sources of supply and to fix the rates accordingly. The only thing he was doubtful of was the financial effect; that would require careful investigation and the point might perhaps be referred to Collectors for detailed examination and full report.

Mr. Braidwood observed that if a uniform rate were adopted, it would be a hardship to ryots holding land under a precarious source of irrigation to pay the same rate as under a first-class source. If a wet crop under a precarious source was raised in the Ceded Districts, it sometimes did not quite fail, but where the failure was not so complete as to deserve remission, the full rate had to be charged. It was very common in those parts for the ryot to get a three or four anna crop and it would be rather hard if a uniform rate were adopted. In four consecutive years the ryot might not get a single crop worth more than eight annas or twelve annas. In a delta, however, he might get a twelve anna crop in each of the four years and sometimes even a 16 anna crop. It would, therefore, be unfair to charge the same rate throughout without any differentiation of sources.

The Hon'ble Mr. Butterworth pointed out that the reason for the proposed distinction between the charges on water supplied from sources of different classes was that the ryot formed anticipations as to the supply of water likely to be available from a source and regulated his cultivation accordingly. If the source of supply was a precarious one, the probability was that the ryot would cultivate a crop which would take only a little water, and this was the reason for having a smaller charge in the case of inferior tanks.

Mr. Moscardi considered that there was no need for any differentiation of sources. In the Bellary district there were two main sources, namely, the Tungabhadra channels which were absolutely unfailing, and rain-fed tanks which failed about one year

in three or perhaps more often than that; but in either case, whether the source was a good or a bad one, if it gave enough water to raise a crop, water-rate was charged; and if the water was insufficient, remission was given.

Mr. Macmichael would prefer to retain three distinguishing classes.

Mr. Marjoribanks was understood to regard any such differentiation as an unnecessary innovation.

Mr. Paddison, however, pointed out that the standard scale embodied in Appendix I-A to Board's Standing Order No. 4 itself contemplated two main classes.

The Hon'ble Mr. Buckley observed that the first, second and third class sources were mostly well supplied from regular irrigation systems and it was generally possible to reckon on the supply being received on or about a certain date. But with regard to the lower classes, the supply would only last for two or three months and the ryots did not know when they would receive it or, when received, whether it would continue. It was, therefore, unusual for a ryot to attempt the cultivation of valuable dry crops under such sources. He preferred to cultivate such crops as required only a small amount of water.

The Hon'ble Sir Harold Stuart wished to know whether all lands could bear the higher rates.

The Hon'ble Mr. Cardew observed that the differentiation of sources at least put no objectionable power in the hands of the karnam so far as concerned the fixation of rates, since the classification of sources was determined by the settlement officer. It seemed to be the general view of the Conference that two main classes were expedient.

His Excellency again invited definite criticism on *Mr. Macmichael's* second point, viz., the abolition of the distinction between first, second and third crops.

Mr. Marjoribanks feared that such an innovation might cause a good deal of trouble and complaint and interfere with the relations between pattadars and their tenants, thus giving rise to considerable agitation, notwithstanding that the change in practice was perfectly justifiable, having regard to the value of the water supplied. The type of case he had in mind was that of a subsisting lease for a long term of years fixed on the basis of the present reduced charges for the irrigation of second and third crops. Any sudden enhancement of those rates was bound to be regarded as a grievance.

Mr. Braidwood presumed that the principle underlying the charge of half-rates for the second crop was the idea that two equally valuable crops could not be cultivated in the same year and that one must necessarily be inferior to the other. It was therefore assumed that the first crop charge was the highest which the land would reasonably bear and that only a lower rate could properly be charged in respect of the second crop.

The Hon'ble Mr. Davidson pointed out that so far as single crop land was concerned the assessment did not take into account profits derived from a possible second or third crop. Consequently, if the ryot was able to raise additional irrigated crops, he had a larger surplus from which to meet the charge for water and there was no reason to reduce the rate below that leviable for first crop irrigation.

Mr. Aziz-ud-din observed that in his experience there was hardly any locality where a third dry crop could be raised on the same land. First and second crops, however, were commonly grown and as regards the charge, the practice in the South Arcot district was to impose half the water-rate for the second crop, the reason being that the first crop was the best crop and the second decidedly inferior to it.

The Hon'ble Mr. Clegg dwelt on the undesirability of constantly changing rules, for the reason that each change introduced in a system meant a number of years before the subordinate officials understood it thoroughly. He protested generally against the too frequent alteration of orders with the advent of every new officer and every change of Government.

The Hon'ble Mr. Cardew expressed agreement with *Mr. Clegg* as to the undesirability of constant change in the system of water-rates but pointed out that changes had not been introduced so often as *Mr. Clegg* suggested. For example, in South Arcot the existing system of water-rates had been in force for the last fifteen years or so. *Mr. Cardew* thought it inexpedient to depart from the old practice of charging second crops half the ordinary rates, but invited criticisms on the suggestion made by *Mr. Wood*, viz., that there should be no attempt to calculate the charge on the exact extent of land irrigated but that the same charge should be made for areas from one cent to 25 cents, and then from 25 cents to 50 cents and so on.

Mr. Turing supported *Mr. Wood's* proposal strongly.

Mr. Aziz-ud-din demurred to it on the ground that the ryot would naturally take exception to being charged the same amount for five cents as for 25 cents. Government, he thought, should not introduce innovations which might make them unpopular. The ryot liked arithmetical justice.

Mr. Hemingway agreed with *Mr. Aziz-ud-din*, that it would create a feeling of injustice in the mind of the ryot if he were charged water-rate for more land than he had actually cultivated with a wet crop.

Mr. Braidwood's opinion was that the adoption of *Mr. Wood's* suggestion might tend to the extent of cultivation being under-estimated by karnams. Even as it was now, they did under-estimate.

Mr. Turing suggested that *Mr. Aziz-ud-din's* objection might perhaps be met, on the principle followed in making up a "bridge" score, by fixing the charge with reference to the nearest convenient round figure instead of the actual area. The unit might be 10 cents, or if that was thought too small, 25 cents. According to this plan, with the lower unit, 63 cents would be charged as 60 cents and 67 cents as 70 cents.

His Excellency here invited criticism on *Mr. Macmichael's* third point, viz., the discontinuance of the differential treatment of occasional and systematic irrigation.

The Hon'ble Mr. Buckley said that this was part of his proposal as embodied in paragraph 23 of the Board's Proceedings circulated to the Conference. He was against differentiation between occasional and systematic irrigation on the ground of the enormous trouble involved in making enquiries whether a crop had been irrigated systematically or only occasionally and the difficulty of exercising a proper check over the work of subordinates.

The Hon'ble Mr. Clegg supported the proposed change.

The Hon'ble Mr. Cardew pointed out that if the distinction between occasional and systematic irrigation were abolished, the result would be that land which received a single flooding, as for instance, in the case of ground-nut, would be charged the same as land which enjoyed half a dozen or more floodings. On the other hand, if the distinction were maintained, the charge would really be on the nature of the crop, and it would be necessary to draw up lists of crops classified in accordance with the quantity of water received, and as agricultural practice varied from district to district, and sometimes from taluk to taluk, such lists would involve many apparent inconsistencies and would lead, as had been the case in the past, to frequent references and correspondence.

Mr. Aziz-ud-din repeated that, though he had at first been in favour of maintaining the distinction, he had subsequently come to the conclusion that it was hardly necessary. The distinction, after all, was only introduced in recent years and had not existed in the earlier stages of his service. Apparently it was introduced at the instance of some member of the Board of Revenue who wanted either to be more generous or perhaps to have more revenue by enforcing separate rates for occasional and for systematic flooding. The recognized principle, however, should be that Government were prepared to give any amount of water a ryot required and that it was at his option to take it on one occasion only or systematically.

The Hon'ble Mr. Cardew observed that the balance of opinion seemed at present to tend rather in favour of the scheme of classifying sources in the manner suggested by the Board of Revenue on the ground that it was intelligible and simple. The retention of Mr. Butterworth's scheme of five classes, instead of two, seemed, however, to possess one advantage, namely, that with the wider range of charge so provided it would be easier and more equitable to dispense with differentiation between systematic and occasional irrigation.

At this stage the discussion was adjourned, Mr. Aziz-ud-din reiterating that it was essential to ascertain the financial effect of any new scale before directing its introduction, while Mr. Macmichael begged that whatever decision Government might come to, Collectors might be spared any further call for report on the subject.

SUBJECT 10.—WORKING OF THE DIFFERENTIAL WATER-RATE SYSTEM (*continued*).

The discussion was resumed at the close of the proceedings on Friday the 27th August, when His Excellency intimated that the Hon'ble Mr. Cardew desired to make a statement on the subject.

The Hon'ble Mr. Cardew then said that the more he reflected upon the matter, the more certain did it appear to him that if the water-rates were to be at all equitable, they must be graduated in some way or other either according to the soil classification or with reference to the crop irrigated. The proposed system of classification by sources of irrigation did not really graduate the incidence of the water-rate in an equitable manner. Thus, the ryot holding land immediately under the sluice of a tank falling under a low class of source might receive much more water than he could hope to get from a higher class source if his land were at a distance from the sluice available. If, on the other hand, the system of charging fixed rates were adopted, those rates must be low enough not to overweight any class of land or any kind of crop and rates so low would be unfair to the Government of the country with reference to fiscal considerations, while on the other hand the levy of higher rates would be equally unfair to the holders of the poorer land and the cultivators of less remunerative crops. It seemed inevitable therefore that water-rates should be graduated with reference either to the nature of the land or to the kind of crop cultivated. That was the main proposition; and if the members of the Conference would reflect, they would probably come to the conclusion that while the differential water-rate system might be imperfect and perhaps difficult to work at present, it had this claim to correctness, namely, that it did attempt to graduate the charge with reference to the value of the water as applied to the land. The practical question for consideration was whether by some modification it was possible to retain the virtues of the system, which were not merely theoretical, and at the same time to remove its complexity. It was the formula $W=D$ which caused annoyance to so many officers and admittedly there were real difficulties in the practical application of that formula. On the other hand the value of the water was the basis underlying the differential assessments arrived at, such for instance as Rs. 7 for the best land and Re. 1 for the worst. It was not really a complete answer to the defenders of the differential system to argue that the relative values of a series of fields growing dry crops did not correspond to their relative values when cultivated with irrigated crops. The alternative proposal to charge fixed water-rates was equally open to objection, for there was no equitable basis for the imposition of an average rate such as Rs. 4 on all land; the whole settlement system rested on the fact that lands vary in productivity and in the quality of their soil.

Mr. Paddison here intervened with the remark that in the case of wet land the assessment was very largely dependent on the position of the field.

The Hon'ble Mr. Cardew (*continuing*).—Apart from the question of position the wet assessment was based on an assumed difference in soil and that basis applied equally to dry land in the same vicinity, for there was ordinarily no essential difference in the soil of wet and dry fields in close proximity to the same source of irrigation. It ought therefore to be possible to graduate the water-rate on dry land with reference to the soil classification.

The alternative was to base the graduation on the crop cultivated. It was perhaps undesirable to retain the niceties of distinction between occasional and systematic irrigation, but it might be helpful to revert to the earlier system in force in 1890, which preceded the introduction of those distinctions. At the same time, looking at the case from the standpoint of the crop grown, it was obviously unfair to charge the same water-rate for a crop which received one flooding as for a crop grown on land enjoying continuous irrigation. That was one objection to the fixed rate of, say, Rs. 4 applicable to all kinds of crops and all classes of soil.

Mr. Butterworth had proposed a scheme based on the classification of irrigation sources under five groups. This scheme of course demanded further consideration by Government. But at present Mr. Cardew was unable to see any justification for a system making the graduation of water-rates solely dependent on differences in source. He was not defending the complexity of the present system but he was anxious to investigate the objections to the alternatives proposed, and he felt strongly that unless the water-rates bore some definite relation either to the crop or to the land, there was grave risk of good land being under-charged or bad land over-charged. If any fixed rate were imposed, it must be fixed with reference to the poorest land. As to differentiation by crop, it was worth remembering that the distinction now drawn between occasional and systematic irrigation was essentially based upon the difference in the crop cultivable. The complex questions in issue seemed to him to deserve further discussion and he would welcome a continuance of the debate on the following day if members of the Conference, who were interested in the matter, could make it convenient to attend.

His Excellency observed that Mr. Cardew had rightly been careful to guard himself against expressing any final conclusion. The object of the Conference of course was to elicit opinions rather than to arrive at final conclusions, and for that reason *His Excellency* thought it might be helpful to continue the discussions, if those interested in the matter so desired.

Messrs. Wood, Paddison and Turing agreed as to the desirability of further discussion and the debate was then adjourned to the following day.

The Hon'ble Mr. Cardew, resuming the subject, remarked that apart from the importance of the water-rate question, which was apparent to every member of the Conference, it had on account of its complexity engaged the attention of the ablest civilians for the last quarter of a century. The matter was clearly therefore not one which could be easily or suddenly decided and every one must feel that anything like hasty or dogmatic assertion showed want of sufficient consideration of the issues. -Sir John Atkinson, he might say, who held very strong views on the subject, had nevertheless hesitated to take definite action.

As to the present system of differential water-rates, Mr. Cardew would like first to draw the attention of the Conference to the fact that it was not a scheme hatched in the Secretariat; on the contrary, it originated with the Board of Revenue; and with reference to the remark that those who were responsible for its introduction had no experience of the practical working, it might be pointed out that the sponsor of the proposals was Mr. Castle Stuart, who based them on his personal experience of irrigation in the Gōdāvari delta, where the method of charging the difference between the wet and the dry assessment had been in force since the re-settlement of that district. As to the practical effects of the system, Mr. Cardew referred to the opinions given by the various Collectors in the reports embodied in the reference from the Board of Revenue which resulted in the issue of Government Memorandum No. 1012-B/13, Revenue, dated 17th November 1913, notably, *Messrs. Lloyd, Hemingway and Todhunter*. Mr. Lloyd's report showed a net increase of over Rs. 20,000 as resulting from the application of the system, almost the whole of which occurred on the rich lands under the Kurnool-Cuddapah Canal. Mr. Hemingway, though personally not an advocate of the system, reported substantial increase in the Erode taluk to be due to its introduction, the additional revenue being again derived chiefly from the richer soils. Mr. Todhunter (in Chingleput) drew attention to the circumstance that the financial advantage derived by Government was confined mainly to the more highly assessed lands, whereas the ryots benefited generally in the case of lands bearing the lower assessments. It would seem therefore that the differential water-rate system had the desirable effect of producing a larger return of revenue from the better soils and at the same time giving relief to the holders of the poor land. Whether this was universally the case was a matter in regard to which the views of the Conference were particularly invited. It might be added in favour of the system that apparently its introduction had not given rise to objections on the part of the ryot population; it was the officials who protested.

With advertence to the standard scale of rates generally followed in those parts of the Presidency where differential rates were not in force, Mr. Cardew next drew

attention to the volume of adverse criticism which the scale had excited in 1903, not only from Sir John Atkinson who was responsible for the Board's Proceedings (No. 40, dated 4th February 1903) dealing with the subject, but also from Collector after Collector, with special reference to the distinction drawn between systematic and occasional irrigation. The Board's considered opinion was then summarized in the following sentence:—

"The very meaning of the terms systematic and occasional irrigation has never been fixed and in their concrete application to the actual circumstance of the manifold varieties of crops, fairness, equality and honesty are unattainable."

Yet this was the system which in paragraph 25 of its present proceedings the Board, as now constituted, described as easy to work.

The Hon'ble Mr. Buckley here explained that the word "not" had been omitted by the press in the proof of the Board's Proceedings circulated to members of the Conference. The Board had intended to say that the system was *not* easy to work.

The Hon'ble Mr. Cardew (continuing).—The method of graduating water-rate in accordance with a classification of crops had been proposed in 1896 by so high an authority as Sir F. Nicholson, who was then Collector of Anantapur, and in 1903 Sir John Atkinson as Commissioner of Revenue Settlement had stated as his considered opinion that on the whole this was the best system. The Government of the day endorsed this view and actually proposed to introduce such a system. The Board, as at present constituted, had no hesitation in condemning it altogether, but it was worthy of note that a similar procedure was actually in force in other parts of India, notably the Punjab. The condemnation of the Board was therefore at variance with the opinion of distinguished officers as to the advantages of the plan of graduating the charge for water with reference to the crop irrigated.

Finally, with regard to the Board's present proposal, which might be called the source system, it was to be observed that apparently this would involve an immediate and considerable sacrifice of revenue. In the three districts of Kistna, Ganjam and Gōdāvari Mr. Cardew had calculated that it would mean an annual loss of some ten thousand rupees, and what the aggregate sacrifice in the whole Presidency would be he could not say. The proposal was apparently to impose a four-rupee rate for a wet crop and a three-rupee rate for an irrigated dry crop. But in the Periyār area and in the Kistna and Gōdāvari deltas five-rupee rates were already paid.

The Hon'ble Mr. Buckley here intervened to explain that the Board's proposal dealt only with districts in which the standard rates were in force under Appendix I-A to Board's Standing Order No. 4, and was not applicable to areas governed by the special rates authorized in the other Appendices to that standing order.

The Hon'ble Mr. Cardew.—It was contemplated then that there should be a perpetuation of the present system under which different rates were in force in selected areas.

Another point which required consideration was the retention of the fixed rates leviable under the standard scale. In 1903 the Government in their order No. 580, Revenue, dated 12th June 1903, had accepted the view that the time had arrived for a general enhancement of the existing rates by 25 per cent., i.e., from Rs. 4 to Rs. 5 in the case of a first wet crop and from Rs. 2 to Rs. 2-8 for a first dry crop irrigated from a first-class source. It was hardly necessary now to go back on the opinion formed by Government twelve years ago with reference to the great rise in prices which had taken place since 1873, when the four and two rupee rates were fixed. The justification for such an enhancement, if valid in 1903, was far more cogent in 1915. But the proposals now put forward by the Board only contemplated a four-rupee rate for a wet crop under a first-class source and Rs. 3 for a dry crop similarly irrigated; in other words it was proposed to go back on the decision of 1903 and to revert to the rates fixed in 1873. Again, one of the principles laid down in 1903 was the desirability of encouraging the cultivation of irrigated dry crops by the charge of substantially lower rates for such irrigation. But the present proposals operated in the contrary direction, in so far as they made the charge for the irrigation of dry crops approximate more closely to the rates levied for wet crops. Yet, as a matter of fact, there was an immense variation in the quantities of

water required. It had been estimated by authorities of great experience that the water required for a single acre of rice was adequate to irrigate four acres of dry crops. Dr. Leather, in particular, in a paper on the economy of water had worked out the proportions respectively required for ragi and for paddy as in the ratio of 25 to 80. Yet, according to the Board's proposals, though the difference in the actual quantity of water necessary was nearly in the proportion of 4 to 1, the variation in the charge contemplated was only one-third. This difficulty militated seriously against the acceptance of the system suggested. It was simple and might perhaps prove acceptable to the ryot, but it ought not to be equally acceptable to the officials, because it involved a material sacrifice of revenue. The proposal to put the water-rate so low as was now suggested presumably originated in the fact that the worst land could not stand a higher rate. But the better lands could bear higher rates and were doing so under the differential system. The specific question to which Mr. Cardew would much like an answer was whether there were not good grounds to raise the tax on water from Rs. 4 to Rs. 6 an acre and whether in view of the further rise in prices since 1903 all classes of land could bear this enhanced rate. He believed that it had been experimentally tried under the Kurnool-Cuddapah Canal some years ago but had then been reduced as a result of practical experience. Since then prices had been enormously on the increase. With reference to this consideration the Settlement Officer employed in the Madura district had recently recommended a general increase of 25 per cent. in the wet assessments, but no similar enhancement was proposed in the case of the fixed water-rate leviable, even in the Periyar area where the charge was the same as it had been in 1903. Such fixity could only be defended on the ground that the water-rate must be made to suit the poorest land. The matter was of great importance owing to the indefinitely large amount of revenue which was apparently being sacrificed, but the acceptance of the Board's present proposals would apparently mean that Government would tie themselves down to a general four-rupee rate.

These criticisms, Mr. Cardew thought, were fatal to the scheme put forward but as to the alternative possible he still felt much doubt and hesitation. He was confident that in theory and in principle the differential water-rates were correct but it also seemed to be true that the practical difficulty of applying them necessitated their re-placement by some form of fixed rate and he invited the opinion and advice of Collectors as to whether or not any kind of fixed rate could be devised on the basis either of the quality of the land or of the nature of the crop. In paragraph 24 of its proceedings the Board had stated that any scale dependent on the productivity of the land must be arbitrary and should be as simple as possible, and with a view to the contingency of this principle being accepted, it had suggested a definite scale involving the charge of water-rate at Rs. 1-9-0 an acre on dry land assessed at Re. 1 an acre or less, at Rs. 2-1-0 where the assessment was above Re. 1 and not more than Rs. 2 and at Rs. 3-2-0 in the case of land assessed at more than Rs. 2. The opinions of Collectors were invited with reference to this scale or to any other practicable method of assigning fixed water-rates according to the soil classification or rate of assessment. Their views would also be welcomed with regard to the system of classification according to crops which Sir John Atkinson considered in 1903 to be the best plan on the whole. In the Punjab where such a system prevailed the crop water-rates in force in 1902 were as follows:—

	RS.	A.	P.
Sugarcane	...	7	8 0
Paddy, peas	...	6	4 0
Tobacco, indigo, vegetables	...	5	0 0
Cotton, oil-seeds and all cold weather crops	...	3	12 0
All other crops	...	2	8 0

The Hon'ble Sir Harold Stuart enquired what the Punjab charge for wheat was.

The Hon'ble Mr. Cardew believed that in the case of wheat the charge depended on the quantity of water actually taken. It would be seen that where fixed rates were levied the range of charge was wide. In conclusion the Honourable Member said that advice from Collectors in this matter could not fail to be of the greatest use. It was not a question which could be decided in a moment and the Government could not face the sacrifice of any large amount of revenue.

The Hon'ble Mr. Buckley observed that the differential water-rate system had been attacked because it failed in several essentials. The main essential was simplicity. Simplicity was wanted because the charge must be intelligible to the ryot, capable of easy application and susceptible of immediate check; and, most important of all, because it meant absence of interference on the part of underlings. The next desideratum in the ideal water-rate was general applicability. Mr. Cardew's suggestion would involve the perpetuation of two systems, one for Government villages and one for zamindari tracts, for the lands in the latter area had not been classified and no system could be introduced for them based on the productivity of the soil.

The Hon'ble Mr. Cardew here intervened with the remark that his suggestion was conditional only on the impossibility of devising one comprehensive general system.

The Hon'ble Mr. Buckley (continuing) remarked that the necessity for devising such a system lay in the fact that two-fifths of the total revenue from water-rate was derived from lands in zamindari villages.

The proposal embodied in paragraph 23 of his proceedings No. 225, dated 14th August 1915, which had been the subject of Mr. Cardew's criticism, was at least simple in detail, whatever might be said of the underlying principle. He himself believed the principle to be an acceptable one, but whether the actual rates which he had proposed were right ones was another question, which would be further considered. He had not had time to work out the figures for the whole Presidency, as Mr. Cardew had done for individual districts, and could not say whether the net result would be gain or loss, but he hoped to make an examination of this point before sending up to Government the Board's Proceedings in their final form. But whatever system might be adopted, it was not likely to fit every state of circumstances and there were certain to be hard cases and easy cases.

Mr. Cardew had enquired what the objections were to the system of graduating the water-rate with reference to the crops cultivated. The first objection was the difficulty of fixing suitable rates for individual crops. It was by no means easy to assess the charge appropriate for each kind of crop and the difficulty was accentuated by the local variations existing not only in different parts of the Presidency but also in different parts of the same district, for in one locality a crop was cultivated under systematic irrigation and in another the same crop took only occasional supplies of water. The second objection was that a system of charge by crops inevitably demanded extra inspection by the subordinate revenue staff and thus placed power in the hands of persons whose capacity for interference ought, by common consent, to be reduced as far as possible. The third and last objection was that the system would be very difficult to enforce in zamindari tracts for the reason that the local revenue staff was fixed mainly with reference to the work arising in the Government villages under their jurisdiction; they could not exercise an adequate check upon zamindari cultivation unless enormous additions were made to their strength.

In paragraph 24 of the Board's proceedings the alternative plan of graduating the charge by assessment groups had been proposed. This had certain merits and was intrinsically simple. But there were two objections to the procedure. One was that the land bearing the lowest dry rate of assessment would be charged with the lowest water-rate, whereas it was often the case that such land derived the greatest benefit from irrigation. The second objection was that the system was inapplicable to zamindari areas for want of regular settlement rates of assessment.

Mr. Buckley would revert therefore to the proposal put forward in paragraph 23 of the proceedings and suggested in its original form by Mr. Butterworth. The modification which he himself had proposed was the substitution of two groups of irrigation sources for the five classes suggested by Mr. Butterworth. In the first group he would include all sources which were ordinarily provided with supply for over five months and in the second precarious sources with a supply of less than five months. The principle of his proposal was not affected by the actual rates put forward and so far as principle was concerned, there would be no objection to their enhancement by, say, 25 per cent.

The Hon'ble Mr. Cardew here intervened with the remark that Mr. Buckley's uniform rate seemed possible, only because it was low, and enquired what he thought of the practicability of a general six or eight-rupee rate.

The Hon'ble Mr. Buckley replied that he had not considered such high rates as Rs. 6 or Rs. 8 but was inclined to believe that a general rate of Rs. 5 would certainly be possible. As to the differential water-rate, he was confident that all officers shared the opinion that the general application of that system was inexpedient and that its abolition, if possible, was desirable. It was in this view that he had thought it his duty to lay before Government the best alternative proposals he could devise. It was quite possible that a superior system might be worked out and, if so, he would be the first to welcome it, but he believed that his own system was reasonable, sound in principle and very simple, though he was not sure that the actual rates proposed were altogether satisfactory. That, however, was a minor point, which might be left over to later decision, if, as he hoped, the principle were accepted. As to the question whether higher rates would readily be paid, he thought the ryot would not regard enhancement as very important so long as he knew exactly what the charge was. The ryot did not appreciate abstruse reasons for differentiation in the charges for supplies of water, but if he was certain of getting a regular supply, he prepared his ground with greater care and spent his money accordingly, and if, owing to the precarious nature of the supply, he did not know when he would get water or whether, when received, it would be in sufficient quantity to raise the crop, then he would hesitate before investing money in the preparation of the land.

The Hon'ble Mr. Cardew here pointed out that the distinction between certain and precarious sources which Mr. Buckley seemed to favour was equally secured by the differential system.

The Hon'ble Mr. Buckley in conclusion repeated that he could not make any positive statement as to the financial effect of adopting his proposals until he had worked out the figures as he intended to do.

Mr. Macmichael began by referring to Mr. Cardew's apparent assumption that the correctness of the principle underlying the differential water-rate system was universally admitted.

The Hon'ble Mr. Cardew repudiated this assumption, being well aware that Mr. Macmichael himself contested the principle.

Mr. Macmichael (continuing) drew attention to the principle laid down by the Government of India some twenty years ago, namely, that a fair commercial value should be charged for water. He regarded this principle as sound and thought that if it were observed, the result would be far clearer than was possible under any of the systems in force in this Presidency.

The Hon'ble Mr. Cardew here intervened with the remark that this alternative principle had never been admitted by the Madras Government.

Mr. Macmichael continuing took exception to the name given to the system in force in areas where the differential rates were not charged. He regarded it as distinctly misleading to use the term "fixed water-rate system", for the rates were not fixed but differed with reference both to the class of source and to the nature of the crop, as would be apparent from a study of Appendix I-A to Board's Standing Order No. 4. Even if the distinction between occasional and systematic irrigation were abolished, there would still remain differences in charge (i) as between wet and dry crops, (ii) according to the source, though there would only be two groups of sources instead of six, and (iii) in some cases, e.g., sugar-cane and betel, with reference to the nature of the crop. In Mr. Macmichael's opinion that differentiation was sufficiently elastic. It was a fact that the higher water-rate now charged did not press hard even upon the poorest soil and there was no risk that the charges imposed would deter cultivation in the future.

The Hon'ble Mr. Cardew here enquired whether it was not the case that the levy of a six-rupee rate under the Kurnool-Cuddapah Canal had actually deterred the ryots from cultivating wet crops.

Mr. Turing replied that he believed there had been great reluctance to take water from the canal but the circumstances were exceptional owing to the peculiar characteristics of the black cotton soil in the neighbourhood.

Messrs. Buckley and *Banerji* confirmed this remark and considered it impossible to draw inferences from so exceptional a case.

Mr. Macmichael went on to say that he agreed with what Mr. Buckley had said in regard to the value of water to the various kinds of soil. It was the case that the poorest dry land often derived very much greater benefit from irrigation than land which was intrinsically much better.

His Excellency enquired if Mr. Macmichael's meaning was that, under certain conditions, water was more valuable to the poorest land than to land of a better quality.

Mr. Macmichael replied that his point was that the water-rate should not vary according to the dry assessment of the land, because that assessment did not necessarily bear any relation to the commercial value of the water used. Referring to Mr. Cardew's remark that the differential rates had not given rise to objections on the part of the ryot, he mentioned a recent case in which a deputation to His Excellency from the Ganjam District Association preferred a special request for the abolition of the system. This request was the more remarkable as the introduction of the system in Ganjam had involved a loss of revenue from ten to twenty thousand rupees and its abolition would entail a substantial addition to the water-rate, which the ryots were nevertheless willing to face in order to escape the annoyances arising from the complexity of the differential system.

The Hon'ble Mr. Cardew here referred Mr. Macmichael to his own report to the Board on the 21st July 1912 as showing that the aggregate loss of revenue resulting from the application of the differential system to Ganjam was apparently much less than he had stated.

Mr. Macmichael admitted that the system would result in a gain in the Goomsur division, but there had been much loss in the area under the Rushikulya project.

The Hon'ble Mr. Cardew surmised that there must be considerable gain in the zamindari tracts.

Mr. Macmichael admitted that this was so, but it was because arbitrarily fixed rates were levied in those tracts and not the varying difference between the wet and dry assessments.

The Hon'ble Mr. Cardew enquired if Mr. Macmichael thought a general six-rupee rate would be practicable.

Mr. Macmichael replied that he considered any wet crop might bear that rate. There was no need, however, according to his theory based on the commercial value of water to treat the rates as fixed and they might be increased as the commercial value grew. He much preferred the old system to the differential plan, but there was no reason to regard the old rates as permanent and insusceptible of enhancement.

Mr. Paddison agreed with Messrs. Buckley and Macmichael that the beneficial effect of irrigation on the poorest land was often much greater than on the best land. He differed from Mr. Cardew's view that this conclusion was inconsistent with the classification of wet land according to its varying soil. This was not the case for the reason that land which was registered as wet was classified with reference to its capacity to grow wet crops, whereas, on the other hand, dry land was classified on its capacity to grow dry crops. He was personally familiar with a tract of arenaceous land in the neighbourhood of Bapatla assessed at from four to eight annas an acre which was hardly capable of growing a blade of grass if unirrigated, but its capacity was completely transformed by the application of the silt-carrying water of the delta canals, which enabled it to yield a first-class wet crop.

With regard to large irrigation projects, the great difficulty often experienced was that financial considerations barred the way, because with the present method of assessment a remunerative return could not be secured. When it was proposed to charge differential rates, trouble arose from the fact that it was hardly possible for the

officer conducting the preliminary investigation to ascertain whether the ryots would be prepared to take water at such rates. If definite fixed rates were contemplated, it was easy to obtain an answer to the enquiry whether the ryots would be willing to pay so many rupees per acre, but if they were asked whether they would accept charges based on the difference between the wet and dry rates, they could not give a definite reply because of their ignorance what the actual rates for individual fields would amount to. Again, when some years ago Mr. Paddison himself had been instructed by the Settlement Commissioner to classify land under the Divi project with a view to the introduction of differential water-rates, he had then pointed out, and Government had accepted his contention, that until the water had been on the land for a series of years and until its practical effect was demonstrated, it was impossible to fix any classification distinguishing between good and bad land with reference to their respective fitness for wet and dry crops. He was familiar with cases in which the most fertile dry land became worthless, when subjected to irrigation on account of the deleterious effect on the soil of the quantity of chemical salts brought out by the water. On the other hand, the converse case occurred as in the instance which he had quoted of the effect of water on the arenaceous land near Bapatla. These striking variations rendered graduation necessary, if possible, but it should be based on a reasonable principle and it was not fair that land deriving great benefit from the application of water should pay no more highly than land which received little or no benefit. The present classification of the soil on its capacity to grow a dry crop was not a fair guide as to its fitness for wet cultivation. In his opinion, in the case of large projects the only remedy was first to impose an arbitrary fixed rate and then, 10, 15 or 20 years later when the actual effect of the water had been demonstrated, to send round a settlement officer to graduate the rates by working out an appropriate scale of consolidated wet assessments framed so as to obviate any sacrifice of revenue. But the commercial value of water could not be assessed in advance; it was necessary first to ascertain by practical experience the actual effect of irrigation upon the land.

With regard to the differential system, which was generally applicable not so much to large projects as to the fringe of cultivation on irrigated dry land near the ayakat of a tank or channel, no one had any objection to the intricacy and complexity of the initial calculation of the charge provided that it was fixed when once calculated. The objection was that the calculations which had to be made for the purpose of village account No. 6 changed from year to year. Land which was regularly cultivated with wet crops might be transferred to a wet classification, but this was not possible in the ordinary water-rate case, for the *field*, the *area* and the *crop* varied from year to year and the karnam had constantly to refer to his diglott register in order to ascertain the sort of soil, the source of irrigation and the appropriate *taram* as a preliminary to applying a co-efficient based on the difference between the wet and the dry assessment; and after all these calculations it by no means followed that the resultant rate fairly represented the value of the water to the land. In fact this was probably not the case, because the classification of dry land was made with no reference to its proximity to the source of irrigation, which was really the important point. That factor was ordinarily not taken into account in fixing dry assessments, although he believed that in the case of the area under the Kurnool-Cuddapah Canal this very difficulty had led to the introduction of distinctive rates of assessment for ordinary dry lands and irrigable dry lands, the latter being those lying close to the irrigation sources. No settlement officer, however, could pretend to forecast the effect of water on land before it was actually used. He was not alone in this view; Mr. Couchman had laid special stress on the same fact in connection with the investigation of the Divi project. In the circumstances it seemed waste of time to work out elaborate calculations purporting to assign wet rates to land assessed as dry and actually utilized only for the raising of dry crops.

Turning next to the question what system should replace the differential water-rates, Mr. Paddison stipulated for two essentials:—in the first place, simplicity, and secondly, as little change as possible. What the ryots most desired was certain knowledge and continuity in practice, and this being so, it was much better to continue an anomalous system, unless proved to be absolutely unfair, than to introduce innovations. The ryots understood the old system, knew what they had to pay under it and were therefore not at the mercy of the karnam or the revenue inspector.

Moreover, as Mr. Buckley had pointed out, the cultivator naturally desired, before undertaking the risk of growing an irrigated dry crop, to know what sum he would have to pay for the irrigation, so as to take that item of the cost into account. This fore-knowledge was however not possible for the ryot under the differential system; with the fixed water-rate plan the karnam was able without much difficulty to make the necessary calculations with the aid of simple area and rate tables already worked out, but under the differential system elaborate calculations based on the difference between the wet and the dry assessment had to be made afresh, and every officer with jamabandi experience was aware in how large a proportion of cases the karnam's calculations went wrong. Mr. Paddison therefore earnestly urged the continuance of the present standard scale, as embodied in Appendix I-A to Board's Standing Order No. 4, with, if necessary, some enhancement in the rates. He was satisfied that the ryot would be willing to pay more, if only he knew definitely what the charge was; given that knowledge, five or even six rupees would not be thought excessive. If this comparatively simple system could be substituted for the differential rates, or if at all events the extension of the latter to other parts of the Presidency could be stopped, much complication would be avoided. In conclusion, Mr. Paddison, referring to Mr. Cardew's reference to a system graduated with advertence to the nature of the crop, observed that the great objection to that plan was the difficulty of enforcing it in zamindari areas.

The Hon'ble Mr. Cardew observed that the same objection had been taken in 1903 but had not then been considered fatal.

Mr. Wood stated, with reference to the distinction between systematic and occasional irrigation under the standard scale, that in Tanjore a simple practical solution of the difficulties mentioned by the Board in 1903 had been arrived at. It was the custom throughout each taluk to regard individual dry crops as systematically, or occasionally, irrigated without any elaborate enquiry into the facts of particular cases. Thus, ragi was always charged the rate for systematic irrigation and cumbu the occasional rate, whatever the source of irrigation.

The Hon'ble Mr. Cardew observed that this amounted practically to a system of classification by crops.

Mr. Wood agreed, and continuing his remarks, referred like previous speakers to the impossibility of fore-casting the result of the combination of land and water and to the difficulty and labour involved in calculating the appropriate differential rates. He did not however attach so much importance as others to the uniformity of water-rates throughout the Presidency. He doubted if all poor lands could bear the highest rate, but saw no reason why varying rates should not be fixed on geographical reasons. There was no need for uniformity throughout the district or taluk, so long as the rates were fixed in clearly defined local areas.

The Hon'ble Mr. Cardew remarked that this would necessitate the fixation of a series of rates for different tracts.

Mr. Marjoribanks brought to notice a further difficulty to be taken into account in deciding the question whether particular classes of land were capable of bearing specified rates of water cess. He referred to the tenure of the holding. It was quite possible that a very slight increase in the water-rate might result in great hardship to the cultivator owing to the conditions on which the land was held from the middleman. In the absence of exact knowledge of the details of the tenure it was not feasible to say whether a particular field could bear a proposed rate. Isolated enquiries had been made on the subject but they did not furnish a safe basis for any general proposition.

There were distinct attractions in the theory of charging for water on a scale calculated from the difference between the wet and the dry assessment; the revenue system contemplated that Government should receive a definite share of the crop and when water was supplied it was *prima facie* reasonable to take a larger share in proportion to the enhanced value of the crop. This ideal was however secured whenever the land was regularly irrigated, for, if the supply of water was assured, the land was classed as wet and consolidated assessment was imposed. The circumstances of the Gōdāvari and Kistna deltas to which this method had been applied were however

in some respects special. In conclusion Mr. Marjoribanks expressed doubts as to the equity of treating the water-rate as a function of the dry assessment.

Mr. Hemingway, dealing with the question whether poor land could stand a high charge for water, submitted that a good deal of reliable evidence was to be obtained from the cost of digging wells and of maintaining bullocks for baling. No ryot would hesitate to dig a well and irrigate his land merely on the ground that the land was poor; if water was available, the ryot would dig his well and manure and otherwise improve his land. He recalled the fact that this very argument had been used to him and to Mr. Innes in the Palladam taluk by the ryots concerned at the time of the investigation of the Bhavani project, when the ryots said it would pay them to submit to a very high water-rate and had no objection to a charge of Rs. 10 per acre. These considerations seemed to indicate that there was no danger of poor lands being able to bear any water-rate that was likely to be imposed.

Mr. Turing, after referring to the labour caused to the karnams and the revenue staff by the complexity of the differential system, endorsed Mr. Paddison's views as to the necessity of deferring any attempt at assessing the actual value of water until practical experience had been gained of its effect. He was satisfied that if the true commercial value could be worked out, the result would in many cases be found to be diametrically opposed to the theoretical charge based on the difference between the wet and the dry assessment. Moreover, the quantity of water taken was no criterion of the profit; the poorest land naturally required a much larger amount of water than the richer soils. In saying this Mr. Turing did not mean to oppose the system of charging water with reference to its commercial value but merely to draw attention to the fact that such a valuation, if made with reference to the quantity, might prove entirely inconsistent with a valuation based on the out-turn of crop. It was a very difficult problem how to arrive at the true commercial value of water, but the solution would perhaps be assisted by examining the effect of the imposition of penal rates. In the delta it was found in practice that the enhancement of the ordinary rates seldom checked irrigation until the twenty-five-rupee limit was reached; even that rate often proved ineffective, but Rs. 50 per acre was found to be almost a universal preventive. The circumstances of the delta tracts were of course peculiar, but these facts furnished some idea of the maximum water-rate which land could bear. Mr. Turing drew the inference that five or six rupees per acre would certainly not be too high even for the poorest land. Mr. Buckley's proposal, he observed, did not relate to special tracts and this was reasonable because there were unquestionably good grounds for the imposition in Gōdāvari and Kistna of higher rates than would be appropriate elsewhere. This was the justification for the various special scales provided in Appendices B to K to Board's Standing Order No. 4. The differential system was complicated not only because of the necessity of working out the difference between the wet and dry assessment but also on account of the varying co-efficient to be applied with reference to the classification of the irrigation source. So far as concerned the latter point, Mr. Turing agreed with the Board's view that a classification confined to two main groups should provide sufficient elasticity.

Mr. Aziz-ud-din adhered to the opinions he had expressed in the earlier stage of the discussion and in view of the fuller explanation of the Board's proposals which Mr. Buckley had put forward, merely desired to add a brief statement of his personal experience. The ascertainment of the several factors necessary in order to determine the appropriate differential rate involved work with which the ordinary karnam and taluk establishment and even the staff of the jamabandi officer found it difficult to cope. If on the other hand water-rate were charged with reference to the crop grown, he apprehended risk of the Government being defrauded or the ryot being over-charged. In the first place, the karnam maintained his record of cultivation in a most indifferent manner. Secondly, the revenue inspector being over-burdened with other work could not find sufficient time to azmaish the cultivation properly. And, thirdly, the over-azmaish of the tahsildar or the deputy tahsildar was generally inadequate. These considerations constituted strong reasons against that system and the easiest procedure in his opinion seemed to be that put forward in paragraph 23 of the Board's proceedings, especially as there would be no difficulty about increasing or decreasing the rates proposed, if actual experience showed that they bore heavily on the ryot or involved an unnecessary sacrifice of Government revenue. His

conclusion was that the system of assessing the charge for water according to two main groups of irrigation sources was both simple and worthy of trial.

Mr. Innes referred to his experience as Under Secretary to the Government of India in which capacity he had for three years had much to do not only with water-rates but with revenue assessments in general throughout India. The Secretariat at Simla dealt with settlement reports from every province and the Government of India regarded it as their business to lay down general principles, leaving the application thereof in the hands of Local Governments. In regard to water-rate the principle so laid down was that it should be distinguished carefully from the land revenue assessment and should be regarded as a commercial charge. It was not required that the full commercial charge should invariably be levied, but the view propounded was that the charge should approximate to the commercial value of water. The State had a recognized right to land revenue in the shape of a share of every crop grown and that right was limited to half the assumed net profits of cultivation; but in the case of water-rate the justification for the charge was not an immemorial customary right but the fact that the anicuts and other irrigation works were ordinarily constructed at Government cost. It was necessary to keep the two things absolutely distinct. He had observed that Mr. Cardew declared that the Government of Madras had never accepted the commercial principle, and that being so, he ventured to ask what principle the Government of Madras applied in fixing water-rates. In his opinion all the difficulties experienced in Madras during the last quarter of a century, to which Mr. Cardew had referred, were due to the fact that a clear distinction had not been made between water-rate and land revenue. There was no plain basis for the system of charging for water at the rate of the difference between the wet and the dry assessment, since those assessments were mainly concerned with the quality of the soil rather than the effect produced upon it by water; and there was this further difficulty about the differential system, that it was almost impossible to apply in practice.

Turning to Mr. Buckley's proposals, Mr. Innes had been unable to discover what principle underlay them. The rates proposed appeared to be purely arbitrary and he doubted if they would prove equitable in practice. He argued strongly in favour of the method of graduating the charge with reference to the crop grown, which he regarded as the only logical method of applying the principle that the amount of water-rate should approximate to the commercial value of the water to the ryot. This system had been adopted in almost every other province in India. The practice was in the first instance to draw up a tentative scale of crop rates such as Mr. Cardew had cited as being in force in the Punjab. But this scale was subject to alteration, the rates being changed from time to time in the light of experience gained, and in the long run these variations resulted in making the charge approximate to the commercial value of water.

Mr. Braidwood, speaking from special experience of the differential system and with reference to knowledge acquired in the course of the investigation of a large irrigation project, agreed generally with Messrs. Paddison, Macmichael and Turing, but desired to bring out one or two points in particular. In the first place, there was no measure of the commercial value of water except the readiness or disinclination of the ryot to take water at a specific price. If the ryot would not pay Rs. 5 an acre, the rate must be reduced perhaps to Rs. 4, and such variations furnished the only practical way of arriving at the true commercial price. Secondly, he understood Mr. Cardew to demur to any scale of fixed rates as being likely to involve a sacrifice of existing revenue. He did not see that any loss of income was necessarily entailed by Mr. Buckley's proposal, which while suggesting uniform rates for general application provided for the exceptional treatment of special tracts. He saw nothing in Mr. Buckley's system to prevent uniformity in charge being restricted to large blocks or to particular sources. This was all that was required, although it was no doubt true that the more uniform the rates and the more general their application, the more thoroughly would the system become known to and understood by the ryots.

Mr. Braidwood next corroborated Mr. Paddison's remarks with regard to the difficulty experienced in the preliminary investigation of projects when the question arose whether the ryots would be willing to pay charges according to the differential scale. In his experience in the case of the Kistna Reservoir Project it was impossible to get a definite answer, when the ryots did not know in advance exactly what

rate particular lands would have to bear. For this reason he had been compelled to make special representations to the Board with the result that a fixed rate of Rs. 5 per acre was finally offered.

Mr. Braidwood then emphasized the frequency with which incorrect calculations were made of the rates leviable under the differential system, and turning to the method of assessing the charge for water with reference to the crop grown, stated that the strongest objection to this plan was the minute inspection involved. There were grave draw-backs about any system which entailed azmaish of villages field by field; such detailed inspection could not be carried out with accuracy, but without it the correct charge could not be arrived at. Mr. Braidwood's final conclusion was that the simplest and best method of assessing water-rate was the procedure put forward by Mr. Buckley.

Mr. Banerji desired to add his testimony to that of other Collectors as to the extreme difficulty of working the differential system. In Cuddapah there were special obstacles to be surmounted, owing to the fact that the dry lands were not re-classified at the re-settlement in any part of the district and the old classification with its three to four sorts was retained, though by no means correct. In practice, as he had personally experienced in his last jamabandi, the result was that almost every village account No. 6 had to be re-written by the Collector's own establishment, a process which had completely dis-organized his jamabandi programme. An anomaly which he had noticed was that the incidence of water-rate on land irrigated from an inferior source was sometimes equal to or even greater than the incidence observed in the case of land under a superior source. So far as his own limited experience went, he would strongly advocate his predecessor's proposal to return to the fixed water-rate system. He thought that Rs. 6 per acre might safely be taken as the standard charge for irrigation from a first-class source and believed that in his district even inferior land would be able to bear that rate. The financial result would be an improvement upon the existing differential system, and as to the possibility of the rate which he had suggested he would refer to the experience gained in connection with the establishment of a pumping system at Gunjana. Under that project there were various classes of dry land but it was found that the ryots were ready to pay a general rate so high as Rs. 10 irrespective of the crop cultivated, a fact which gave a valuable indication as to the market price of water. An even higher rate—Rs. 15—had been suggested and the ryots hesitated to guarantee this, but merely on account of apprehended irregularity in supply. Mr. Banerji's conclusion was that a simple and practical system would be arrived at, if fixed rates were introduced with some differentiation based on the classification of sources of irrigation.

The Hon'ble Mr. Cardew, on the invitation of His Excellency, then brought the discussion to a close. He observed that it had been most instructive and he desired to thank the members of the Conference for giving up so much extra time to the elucidation of the intricate and perplexing questions in issue. Mr. Paddison, he thought, had brought out very clearly the fundamental defect in the differential system, namely, that it was impossible to forecast the effect of irrigation upon dry land. With reference to Mr. Innés' remarks on the principle of charging for water at its commercial value he would draw attention to the essential difference between the systems obtaining in the Punjab and Upper Provinces and that in force in Madras. In the Punjab practically the whole irrigation was the result of new works constructed by the British Government which had paid the capital cost, whereas in Madras there were numerous irrigation works which had existed from very early times and involved Government in no capital outlay on account of their initial construction. That was the main reason why the Government of India and the Government of Madras held different views in this matter. Finally, he referred, as one objection to the differential system, to the fact that the difference between the dry and the wet assessment imposed a maximum limit of charge, whereas with fixed rates it would be possible and fair to levy higher charges in exceptional tracts.

Mr. Paddison here interjected that it might be desirable to carry the differentiation down to the village unit.

The Hon'ble Mr. Cardew (concluding his remarks) said that the real difficulty however was to decide what rate should be charged and upon what principle differentiation should be based.

SUBJECT 11.—SIMPLIFICATION OF JAMABANDI.

Note.—For the notes on this subject see pages 35—39.

Mr. Turing, in introducing the subject, remarked that in the first place almost every officer agreed that the jamabandi system seriously inconvenienced every revenue officer. Secondly, the alterations which Government had made in the last few years comprised important changes in two directions, namely, (i) enabling the final disposal of various items of revenue before jamabandi and (ii) transferring such final disposal in most cases to the tahsildar. Historically the jamabandi was of earlier date than the settlements and in olden days it consisted really of settling all the items of revenue. The jamabandi of later date merely included (a) the passing of orders on penalized cases of encroachment, water-rates and remissions, i.e., the three most important variable heads, and (b) seeing that these orders were brought to account; in fact it might in the latter respect be called an immediate audit. In accordance with the delegations sanctioned in the last five years, and more particularly those which would be in force from next year, orders on the variable items could be passed before the jamabandi was started. With the single exception of remissions the Government had transferred to the tahsildar the power of passing orders on all such items. The tahsildar could now deal with B memoranda relating to the penal assessment of encroachments and with ordinary cases of water-rate. There was nothing thus left for the divisional officer to deal with personally except appeals preferred against the tahsildar's orders and cases of remission; practically everything was done or ought to have been done before the jamabandi began.

The present arrangement involved the anomaly that, while the tahsildar was given power to settle revenue, he was distrusted as regards bringing it to account. The divisional officer and his establishment were now required to check every item so as to establish exact correspondence between the taluk and village accounts. The tahsildar, Mr. Turing admitted, must continue his customary examination of those accounts but it was not necessary, he thought, that the divisional officer's establishment should follow up that examination by an immediate check for the purpose of verifying whether the tahsildar had brought all items to account. So far as this audit process was concerned, it might well be altogether eliminated from the divisional officer's jamabandi and carried out just like any other audit after the end of the fasli to which the accounts related. If a special staff consisting of a deputy collector with an establishment of clerks were appointed to conduct it, one great advantage would be that the audit would be far more efficient than under the present arrangement.

In paragraph 4 of the Secretariat note on page 38 of the printed notes it was practically admitted that mere audit might be thus deferred until after the close of the fasli without any strong objection. The Secretariat doubted, however, "whether it would in practice be found easy to secure the substantial correctness of the demand by a mere posting statement in the taluk and the divisional offices". Mr. Turing thought this criticism rather exaggerated the importance of the variable items. In the first place, the bulk of the demand followed the settlement assessments and the amount of the variable items should not vary very greatly. Secondly, a perfectly sound check was possible by the simple process of making the tahsildar add up the amount of encroachment charges and water-rate which he himself had imposed and send the vouchers, i.e., the B memoranda and village No. 6 accounts, to the divisional officer, who would then be in a position to note the total and check it subsequently with the No. 12 accounts. That would be a sufficiently substantial check on the settlement of the aggregate demand and according to Mr. Turing's suggestion a closer scrutiny of the accounts would be carried out after the close of the fasli by the special audit staff.

Perhaps the most difficult criticism to meet related to remissions. But the importance of this item was rather exaggerated and it seemed possible to make special arrangements for passing orders on remissions by instructions requiring the divisional officer to camp on the spot, summon the ryots and deal immediately with their petitions.

The financial cost of adopting his suggestions was of course a question for the Government but, in Mr. Turing's opinion, the expenditure involved was not likely to be very great in comparison with the relief afforded.

There was, no doubt, force in the objection taken in paragraph 4 (iii) of the Secretariat note, viz., that "the check of an establishment consisting of mere auditors "devoid of local knowledge and acquaintance with the current correspondence of the "division might degenerate into a routine process," but it was the fact even now that jamabandi was chiefly a routine process and major errors did not come to light solely or principally during jamabandi.

As regards the criticism set out in paragraph 4 (iv) of the Secretariat note, Mr. Turing admitted that he had no personal experience of the conditions of southern districts and did not dispute the impossibility of depending on cold weather inspections in that part of the Presidency.

Touching finally on paragraph 4 (v) of the Secretariat note, Mr. Turing urged that the miscellaneous subjects, such as land records, vaccination and statistical accounts generally, really had no intrinsic connection with jamabandi and might very well be relegated to inspection at other seasons of the year instead of being taken up with the jamabandi as at present. Errors brought to notice might be reported by the tahsildar at any time if necessary and the annual taluk inspection furnished a convenient opportunity for general scrutiny.

Mr. Aziz-ud-din referred to the various discussions to which this subject had recently given rise in the Legislative Council and to the insistence of non-official members that jamabandi must be done away with. Its abolition was however impossible, unless recourse were had to the mitta system of the primitive days of Sir Thomas Munro, according to which whole villages were leased out or auctioned and purchased by a farmer who paid the lease amount to Government. Under the ryotwari system the demand for each village had to be separately fixed and this could be done only by holding a jamabandi. If the assessment for each individual were permanently fixed, jamabandi might be dispensed with, but this was not practicable with a fluctuating demand such as now obtained and varying charges for tirvaijasti, fasaljasti, relinquishments and so forth.

In regard to Mr. Turing's suggestion about the audit of the accounts, Mr. Aziz-ud-din pointed out that whereas in other departments the scrutiny of the accounts related mainly to charges, in the Revenue Department the accounts were chiefly concerned with items of receipt. It was the function of the jamabandi officer to make certain that all the receipts had come in, and in these circumstances an audit staff of the kind recommended by Mr. Turing seemed redundant. The present system demanded some administrative knowledge in order to check the accounts. It was not purely an audit work or a mere matter of classifying charges under certain heads. The jamabandi officer had to carry out an intelligent scrutiny and the existing system was best adapted to secure it.

Another aspect of the question was to be found in the cry that jamabandi occupied too much time and caused too much trouble to the ryot, the karnam and others. Mr. Turing's suggestion would virtually duplicate the jamabandi and thus add to the time and trouble. The special deputy collector and his audit staff might be able to check whether the receipts had come in properly but could have nothing to do with the determination of the demand, which must be fixed by the jamabandi officer, whose present establishment was quite sufficient for the purpose.

Mr. Aziz-ud-din agreed however with Mr. Turing's suggestion that all matters not strictly connected with jamabandi should be expunged from the jamabandi programme and check memorandum. The check memorandum was now swollen to an enormous size. Formerly there were not more than 23 or 24 questions in the memorandum but now it contained whole sections, such for instance as Nos. II, V and VI, which ought to be done away with, and other questions, like those in Section I relating to inams,

which might well be made quinquennial. The memorandum should be confined to matters connected with the fixation of the demand and the checking of the collection accounts.

As regards the hearing of petitions, etc. during the cold weather, it was open to the divisional officers and the Collector to receive petitions and hear objections during their tours but it would be impracticable to dispose of all such business during the cold weather, as in some districts fasaljasti cultivation generally began only in January or even later.

Mr. Young considered jamabandi to be a necessary evil and, while agreeing with Mr. Turing generally, did not see how it could be avoided. The strongest argument against its abolition was that in that event the karnam's accounts would never be written up at all. In many districts, it was quite certain, some karnams were so illiterate that the tahsildar had great difficulty in getting the accounts prepared and sent to the taluk headquarters. The check of vaccination and other miscellaneous registers usually did not take much time and Mr. Young personally was in favour of attending to it at the jamabandi.

Mr. Aziz-ud-din agreed that this procedure saved trouble.

The Hon'ble Mr. Clegg pointed out that Mr. Turing's arguments were based on the assumption that the greater part of the demands of the districts was fixed, but as a matter of fact in this Presidency out of a total land revenue of over 600 lakhs only 500 lakhs were permanently fixed, leaving a by no means insignificant balance of over 100 lakhs relating to variable demand.

Mr. Turing intervened with the remark that he proposed no change with regard to the actual preparation of the karnams' accounts or the tahsildar's check of the accounts. That portion of the jamabandi would be left unaltered by his scheme and would be just as efficient as at present unless the tahsildar himself were very slack.

Mr. Ramachandra Rao observed that Mr. Turing drew a distinction between the accounts entering into the settlement of the demand and the subsequent accounts. An examination of the village accounts would shew that what was known as the demand account was No. 12, and all the accounts up to No. 12 had to be examined carefully and totalled before No. 12 could be prepared. Consequently, if the demand statement was to be ready before the close of the fasli, all the accounts up to No. 12 must be written up beforehand. And unless the demand was so fixed, of course the revenue could not be collected or the demand, collection and balance statement prepared and maintained.

The next set of village accounts was the cash accounts which, as a matter of fact, were written daily, the totals being carried over to the proper taluk accounts then and there and the audit carried out contemporaneously. In these circumstances it was difficult to see what use the special audit staff would be; the several accounts must necessarily be up to date.

In Mr. Ramachandra Rao's opinion, it was advantageous to have fixed days notified in advance for the consideration of *takrars*, but the jamabandi was the best and most convenient opportunity for the Collector to talk to the numerous ryots, who came to his camps and would not be present in such numbers at any other season of the year, to ask them if they had any complaints to make about the water-rate charges and other items of the demand, and to acquire from them direct information on various matters of general interest. The remaining part of the year might be devoted to carrying out the various suggestions which the ryots made at jamabandi. Mr. Ramachandra Rao's final opinion was that jamabandi could be simplified without sacrificing administrative efficiency. As to the old complaint of the trouble caused by the invasion of unwieldy jamabandi establishments there was no longer any grievance now that the Collector could and should go about his jamabandi work with the assistance of one or two clerks.

Mr. Banerji was satisfied that jamabandi, however intolerable, could not be dispensed with, but he was of opinion that the accounts scrutinized at the annual jamabandi might be simplified and that the jamabandi, as an annual check, could

be limited to some of the accounts now taken up and need not be extended to all of them. Effective check was of course essential in the case of all the accounts on which the fluctuating demand of the fasli depended, viz., the B memoranda and accounts Nos. 2-C, 5 and 6. It seemed expedient, however, again to take up the question of the simplification of the village accounts. There had, he believed, recently been an elaborate discussion of the subject, but it was a question whether everything that was possible in that direction had been done.

Mr. Hemingway was of the same opinion as *Mr. Banerji*. He also considered that the check memorandum contained various items which were of no practical value. At the jamabandi there should be nothing but audit work and all other work, such as the inspection of registers, the taluk office, etc., might well be done at other times of the year. *Mr. Hemingway* did not agree with *Mr. Ramachandra Rao* that jamabandi afforded the best opportunity of talking to the ryots on various little matters. In his experience the pressure of work at the jamabandi time was so high that no one was in the proper frame of mind for leisurely discussions with ryots.

Mr. Marjoribanks, on the other hand, who confessed to a considerable share of personal responsibility for the form of the existing accounts, looked on jamabandi as an enjoyable time. While attaching great importance to the process, he considered that the difficulty experienced by many officers in conducting jamabandi was perhaps due to the fact that their operations were not strictly confined to the matters prescribed in the Standing Orders. It appeared from *Mr. Turing's* note that a great many things were done at the time of jamabandi which were not contemplated by those orders. Jamabandi was the season for examining how the subordinate revenue officials had done their work. It was not the time for attempting to get the whole work of the year done, though it must be admitted that without a jamabandi village officers would probably not write up their accounts at all at the proper season. It was true that matters might be looked into by superior officers on their tours. But such isolated inspections and admonitions were calculated to have little permanent or general effect. At jamabandi all classes of officials were present and the correction of general mistakes and defects was easy. With all present also it was convenient and practicable to deal satisfactorily with appeals and thus to save much correspondence and report writing. It was therefore necessary to have jamabandi and it was a useful and a very important operation if carried out on the right lines and not only as a matter of audit or the mere passing of orders on individual items of revenue. Some speakers seemed to have laid undue stress on the settlement of the final demand. As a matter of fact all the early collection work was necessarily based on a provisional demand and the final corrections and adjustments were now made after the close of the fasli year in accordance with the procedure detailed at page 143 of the Manual of Village Accounts.

Mr. Braidwood was in general agreement with *Mr. Marjoribanks*. He regarded jamabandi as important also from the point of view that it afforded the divisional officers and the Collector an excellent opportunity to get in touch with the district. At the same time it was necessary to simplify jamabandi as much as possible and one way of effecting this was to simplify and reduce the check memorandum, as already suggested by other members of the Conference.

The Hon'ble Mr. Clegg observed that the majority of the Collectors were of opinion that jamabandi could not be abolished but that the present system was susceptible of simplification and the only question really in issue was whether it could be simplified. A good deal had been said about the check memorandum. His own opinion was that the memorandum rather assisted jamabandi; it drew the attention of the officer conducting it to the important points and was as long, or as short, as the Collectors chose to make it. Without the jamabandi the several accounts were not likely to be kept up to date and properly closed. The supervision could not be left to the tahsildar as he was not likely to do it satisfactorily. As regards the village accounts, it was difficult to see how they could be simplified in view of the complicated revenue system of the Presidency.

Mr. Aziz-ud-din concurred in *Mr. Clegg's* view that the village accounts could not be further simplified; they had already undergone several changes and it was

desirable to keep the karnam where he was with regard to accounts. The simplification of the check memorandum was, however, an important matter. Jamabandi, it was true, was the best opportunity for most checks, but it must be borne in mind that a divisional officer had only two or three clerks and they could not fairly be expected to deal with items of work which did not appertain to jamabandi proper. Several items in the check memorandum might well be omitted as irrelevant thereto: for example, the register of suspects in villages need only be scrutinized by the sub-inspector of police: the civil and criminal court registers could be looked into at any time, and not necessarily at the jamabandi: the vaccination registers were matter for examination by the deputy inspector of vaccination: the accounts relating to births and deaths and agricultural stock could more appropriately be scrutinized by the tahsildar, the divisional officer or the Collector when on tour at other seasons of the year: as for demarcation, field-maps and the karnam's qualifications and equipment it was the duty of the land records staff to look into such points. The questions on all these matters might be struck out of the check memorandum and the work of the jamabandi officer confined to the fixation of the demand and the checking of the collections.

Mr. Innes, speaking with special reference to Malabar, disagreed with the proposal to eliminate from the check memorandum all questions relating to such matters as vaccination, land records, village police work and the like. *Mr. Aziz-ud-din* apparently forgot the fact that in all those matters the Collector was expected to exercise supervision and the jamabandi furnished by far the most suitable opportunity for supervision.

Mr. Aziz-ud-din, referring to his own experience of five years in South Canara, agreed that on the west coast a Collector could find time to attend to the miscellaneous items in the check memorandum, the jamabandi work proper being comparatively light, as there were no irrigation works, no ryots' grievances, hardly any cases of agricultural and land improvement loans and very little of the ordinary work devolving on a jamabandi officer in other districts.

His Excellency remarked that as the abolition of jamabandi seemed to be out of the question, the discussion would be more practical if directed to the subject of simplifying the check memorandum and reducing the work in other ways.

Mr. Hemingway doubted the necessity for regarding jamabandi as an investigation of the whole taluk administration for the year. If, however, the position taken up in this respect by Messrs. Innes and Marjoribanks was accepted, then in his opinion no simplification was possible and the jamabandi would inevitably become increasingly burdensome.

Mr. Wood observed in the first place that the number of questions in the check memorandum should be reduced with special reference to the case of divisional officers because they had not the same establishment as the Collector and secondly that it was not necessary to take up all the questions relating to every branch of the administration in each year. The importance of jamabandi as an opportunity for overhauling all parts of the district machinery could not be over-estimated, but this did not mean that the same questions must be answered at every jamabandi; they might be varied from year to year according to local requirements.

Mr. Turing, agreeing with *Mr. Wood* and assuming that it was necessary to check the correspondence between the taluk and village accounts, suggested as a possible line of simplification, that the annual check at jamabandi might be confined to the cash accounts and the variable items of revenue, other matters dealt with in the check memorandum being taken up for detailed scrutiny once in five years.

The Hon'ble Mr. Gillman looked on the check memorandum as the great curse of jamabandi and thought that for divisional officers at least it should certainly be reduced in length.

The Hon'ble Sir Harold Stuart asked whether it would be possible to have a cold weather jamabandi.

The Hon'ble Mr. Brodie said that in North Arcot he had himself tried the plan of inspecting village accounts at an earlier season than the jamabandi and found it a practically hopeless task. The miscellaneous statements referred to were never maintained in their entirety throughout the year.

The Hon'ble Mr. Clegg thought the only possible way of simplifying was to be found in the suggestion put forward by Mr. Wood, namely, that the check memorandum for divisional officers doing jamabandi should be varied from year to year so as to cover the whole field of inspection in two or three years. The Collector should fix the questions to be answered each year. In the course of two or three years the whole check memorandum would thus be covered and the Collector himself would make a thorough inspection once in five years. This would probably solve the difficulty.

The checking of other accounts than those relating to the beriz was more easily carried out during the jamabandi and with less waste of time to the officers concerned than if taken up in the course of their ordinary tours. It was quite obvious that without such a check by the Collector and the divisional officers the accounts would not be properly kept up; it was impossible to trust to the tahsildars and revenue inspectors in such a matter.

Mr. Braidwood feared that if accounts were checked only once in five years they would probably not be written up for five years.

The Hon'ble Mr. Clegg commented that, while admittedly it would be better to inspect all the accounts every year, this procedure would not give any relief to the divisional officer during his jamabandi.

Mr. Marjoribanks, as an illustration of Mr. Braidwood's anticipation of the result of a quinquennial check, cited his experience with the return of agricultural stock which had only to be prepared once in five years. On the last occasion when the district return came before him he noticed a large reduction in the number of sheep. Enquiry elicited the reply that this was due to the closure of forest reserves to grazing. Doubting this explanation he caused a further investigation to be made and found the real reason to be that the return had only been properly written up for one taluk! He agreed that accounts were not likely to be prepared correctly if they had to be prepared only once in five years.

As regards the form of check memorandum, he was of the opinion that the best course would be to leave it to the discretion of the Collector to prescribe each year those questions in the check memorandum which were suitable and necessary in the special circumstances of his district.

Mr. Hemingway thought that there was much to be said for the idea of a cold weather jamabandi and that it might be worked, if the Collector or the divisional officer only examined a limited number of accounts and registers.

The Hon'ble Mr. Brodie raised the objection that the accounts and registers would never be ready for inspection before the normal jamabandi season.

The Hon'ble Sir Harold Stuart remarked that Mr. Brodie's admissions amounted to this: that Collectors were neglecting a very important portion of their duties, that they did not see that the village officers did that part of their work which related to civil and criminal justice until the time of jamabandi, and that so far as the ordinary tours of a Collector or divisional officer were concerned, they appeared to be useless as a means of securing the performance of very important duties by the village officers.

Mr. Braidwood said that it was only the karnam's supplementary accounts based on Nos. 13, 14 and a few other accounts that were written up with the assistance of taluk clerks at jamabandi; the criminal registers were probably not so written up, the reason being that the necessary information was not available in the taluk office.

His Excellency enquired whether or not a systematic tour programme could be laid down beforehand. It seemed to him that this would go far to facilitate the check of village accounts and registers in advance of the jamabandi season.

The Hon'ble Mr. Brodie replied that it would be extremely inconvenient to keep to a regular programme of touring fixed for some weeks in advance. But if the examination of miscellaneous statements was to be exhaustive, this was essential. Otherwise the statements of those villages only at which the Collector and divisional officer halted could be examined. As regards the other villages, the village officers must be summoned to assemble at fixed centres. This would repeat one of the most serious objections to the present jamabandi. Moreover, it constantly happened that the village officers did not turn up at all or arrived without their accounts. Of course there was always some plausible excuse, which had to be investigated before punishment was inflicted, and even punishment did not remedy the defect, which was the non-production and non-maintenance of the accounts and statements. The only remedy was to have the accounts and statements, if possible, written up before the inspecting officer left the camp, but this would probably upset his programme.

The discussion then closed.

SUBJECT 12.—THE SYSTEM OF APPOINTING VILLAGE OFFICERS.

Note.—For the notes on this subject see pages 41—44.

Mr. Turing confined his opening observations to the suggestion embodied in paragraph 3 of the Secretariat note that, in regard to the appointment of village officers, it would be safer merely to lay down a general rule that "belonging to the family of the last holder" should be a qualification to be considered amongst others. Such a rule, he admitted, would be an improvement on his own proposal to have a fixed limit of qualifying relationship to the last holder.

Mr. Aziz-ud-din was opposed to any interference with the *mirasi* rights of village officers. In India very great importance was attached to rights of that description, and the fact that the *mirasi* system had survived the attacks of so high an authority as Sir James Thomson showed that it must possess some intrinsic merits and ought not to be summarily wiped out. If it was done away with, village appointments would in the first place lose their value and attraction, and secondly there was no guarantee that the non-*mirasi* village officer would be a better man, though he would certainly demand a higher salary. The origin of the *mirasi* system was to be traced to the days of Akbar, whose great finance minister, Todar Mall, introduced a recognition of the basic principle underlying it not only in the matter of the appointment of village officers but also in other walks of life; for instance, in Hyderabad and, during the days of Anwar-ud-din, in the Carnatic there were *mirasi* musicians and *mirasi* barbers. The same principle survived to the present day in the case of the hereditary artisans who were to be found in many villages. If village offices were given to a non-*mirasidar*, merely because he was a rich man, the consequence would be deplorable. Such an appointment would not be of any real use to the tahsildar and other officers. The position under the law as it now stood was that, if there was a competent man in the *mirasi* family he must be appointed; if the natural heir was a minor, some one else was selected to discharge the duties until the minor had attained majority and passed the prescribed tests; and if there was no member of the family competent to hold the office, then and then only could an outsider be brought in. As the law thus insisted upon the selection of a proper man, if available in the *mirasi* family, it was not clear what good was expected from the displacement of the *mirasi* right. It was mere imagination to say that better men would be available if the *mirasi* system was abolished, because the average village was still backward in point of education. In Salem the *mirasi* system did not exist, but nevertheless the Board had ordered that *mirasi* claims should be respected. It was in force in both South Arcot and South Canara and the village official of South Canara was much superior to his fellow in South Arcot or in Salem, but the only reason for this was that education had made a very great advance in South Canara.

There was not much force in the recommendation of the Government of India that the karnam at least should not enjoy *mirasi* right, because though the karnam was exercising very great authority, at any rate in the north, as long as the paimash was in force, he was not capable of doing mischief after the introduction of the survey and settlement.

On the whole, it would be a great administrative mistake to abolish the *mirasi* system, not only for financial considerations but also on the ground that it was a time-honoured custom much appreciated by the holders of *mirasi* posts. In the case of the village menials, for example, the talaiyaris, the recognition of the *mirasi* system had obviated any number of cases of criminal breach of trust and misappropriation, as it was now the practice, though not strictly in accordance with the rules, to send large amounts of revenue collections to the taluk treasury in charge of the talaiyari and the risk of losing a hereditary family claim was a powerful incentive to honesty.

On these grounds, therefore, Mr. Aziz-ud-din strongly deprecated the proposal to deprive village officers and village menials of their *mirasi* claims.

The Hon'ble Mr. Clegg observed that, before even suggesting the abolition of the hereditary right to village offices, there were two questions to be answered, namely, whether the Government were prepared to increase the pay of village officers all round so as to give the full market value of the services rendered by them, and, if not, whether the abolition of the hereditary system was likely to give a better stamp of men for the same rate of pay as was now sanctioned. Recent discussions in the Legislative Council had shown that any general increase in the pay of village officers would be out of the question owing to financial considerations, and while there was a great deal of truth in Mr. Phillips's remarks quoted in paragraph 5 of the Secretariat note, the marvel was that Government were so well served by village officials for the small pay offered. Would it be possible to get village munsifs of the character and attainments required for four, five, six and seven rupees? A very large percentage of the land revenue, nearly 99 per cent., was collected and safely brought into the treasuries by men who drew theoretically no salary, only an allowance for stationery, etc., and by the village servants, whose maximum pay was Rs. 4 per mensem. There seemed, therefore, no ground for complaint against the present hereditary village staff and nothing, Mr. Clegg thought, should be done to impair the value and importance which they attached to the hereditary principle. If, on the other hand, this principle was abolished and the same scale of pay was continued, the class of servants obtained would be of a very inferior kind, such as peons and hangers-on of the tahsildars, etc., who would take up an appointment merely for the plunder they could make out of it.

In the Government memorandum reference was made to Sir James Thomson's opinion, but the citation was incomplete. If the full correspondence of 1892 was looked into, it would be seen that he did not advocate the entire abolition of the hereditary principle. In the same papers Sir Murray Hammick laid stress on the respectability and influence derived from the circumstance that office was hereditary in one family. Sir Arundel Arundel, also, made a special point of the importance of instructing officers, whenever a vacancy occurred in the post of village headman, to institute careful enquiries in order to ascertain in what family the office was hereditary and to nominate one of its members to fill the vacancy.

The question whether the right of primogeniture should be retained was another matter. In appointments and selections at revisions of village establishments primogeniture was not followed. That was a matter for further careful consideration.

The method of selection for appointments in non-*mirasi* districts was in practice the same as in *mirasi* districts except that minors were not appointed in the former; no other distinction could be made between them.

In conclusion Mr. Clegg expressed entire agreement with Mr. Aziz-ud-din's views as to the impracticability of tampering with the present hereditary village officers. His advice was that Government would do wisely in this matter to "let well alone".

Mr. Turing pointed out that, at present, a large proportion of the hereditary village offices were held by deputies appointed in place of disqualified hereditary incumbents and none of these deputies had any hereditary right to the post. Very often they held the office for years together, during which time the hereditary system was practically in abeyance. As regards these cases there was in Mr. Turing's opinion no reason why extra cost should result from the abolition of the hereditary system: too much connection had been imagined between the family system and the cheapness of village officers. Moreover, it was a well-known fact that village officers' pay was not their chief remuneration or the main attraction of their appointments. In the Kistna district, for example, the village officers almost all received large sums of illicit remuneration, especially in the delta areas.

As to application of the *mirasi* system to the talaiyari class, Mr. Turing said he had always been astonished that the collections did practically always reach the taluk headquarters safely, but this result had nothing to do with the hereditary system. In Kistna this system was already breaking down in the case of village servants owing to the inadequacy of the pay: talaiyaris were refusing to take up their

appointments on the ground that the pay was small and substitutes were being employed: yet collections were still coming in safely.

Referring to Mr. Clegg's apprehension that the village officers would be drawn from the peons' class if the hereditary system were abolished, Mr. Turing observed that there ought to be some property qualification for appointment to village offices. And with advertence to the same speaker's general advice to "let well alone", the facts stated in Mr. Turing's printed note showed that the present system was anything but good, and that many of the present village officers were in fact very incompetent. The village officers' tests seemed clearly incompatible with the hereditary system and their prescription tended to increase the number of deputies, not only, as before, in consequence of the hereditary office-holder being a minor, but also owing to the inability of hereditary incumbents to pass the examination for years together.

The rule of primogeniture should in any event be abolished altogether so as to reduce the large number of deputies and minors.

Mr. Aziz-ud-din doubted whether the class of deputies had become so numerous as Mr. Turing supposed; they could only be appointed in those cases where the *mirasi* heir was a minor.

Mr. Turing rejoined that if there were no *mirasi* right, only adults would be appointed and there would be no scope at all for the appointment of deputies.

Mr. Ramachandra Rao pointed out that, though to the outside public the position of village officials was trivial, the *mirasi* holders of those appointments attached much importance to their office and a great deal of sentiment adhered to its hereditary nature. In these circumstances, unless there were very strong reasons to the contrary, it seemed best to keep the sentiment alive and make it go as far as possible. In Mr. Ramachandra Rao's opinion it would be impracticable to substitute any method likely to secure a better class of village officials. The system of appointment by selection would tend to the open sale of the offices and one great advantage of the rule of primogeniture was that, as the method of appointment was fixed once for all, there was no scope for the sale of offices. It was no doubt true that the hereditary village offices had not been filled by very suitable men, but the method suggested by Mr. Turing would not secure better men. For, hereditary or not, the selection had to be made from the village residents and it was not suggested that the hereditary nature of the appointment made the nominee in any way inferior to the rest of the villagers. After all, the disqualifications of the present incumbents had been exaggerated. Taking the case of the karnam, his duties had greatly increased of late and unless he possessed certain qualifications, now tested by examination, he was not able to perform his work and the result was that the aspirant for the office, if he wished to keep it, tried his best to qualify according to the prescribed examinations and did his work as well as he could. If, on the other hand, the appointments were thrown open to a large body of people, and selection was left in the hands of the tahsildar or divisional officer without any *mirasi* limitation, every one would try to qualify, the struggle for the appointment would become keen and eventually the effort to keep up a standard of qualification might prove abortive.

In regard to the present system Mr. Ramachandra Rao observed that, whereas the village appointments used to be held by the leading families of the village, owing to declining circumstances the old families had lost that amount of prestige which they ought to possess. It was very difficult to suggest a remedy in such cases, but without doing away with the hereditary system legislation might perhaps be undertaken to empower the Board of Revenue to transfer the hereditary offices to other families, who owing to changed circumstances might be rising in the village world and gaining influence and prestige. This suggestion, however, required further consideration.

Another point was that, owing to the spread of education and the growth of the legal profession, the village headman no longer commanded the respect which he used to enjoy. For that reason it would be better to deprive him of his judicial duties and to vest the power of trying cases in a village panchayat. Mr. Ramachandra Rao had already submitted his views on this question in an official report to the Board of Revenue.

As regards Mr. Turing's remarks about deputies, Mr. Ramachandra Rao thought the appointment of a deputy a necessary evil but only a temporary one. So long as the appointment was restricted to a family, and the person entitled to be appointed was a minor, the necessity for the appointment of a deputy must arise. In the generality of cases, however, the deputy was appointed with the consent of the guardian of the minor and did his work well.

The Hon'ble Mr. Cardew said that, although in those districts, e.g., Tanjore, Trichinopoly and Salem in which *mirasi* right was not obligatory, a member of the *mirasi* family was usually appointed if a suitable man was available, it was not essential to do so. Nevertheless it did not appear that there had been any great difficulty in securing suitable men on the same rates of pay as obtained in districts in which *mirasi* right was obligatory, and this indicated that the fear that suitable men would not be forthcoming if the law making *mirasi* right obligatory were abolished was not supported by experience.

Mr. Ramachandra Rao's views were open to the criticism that though he had, in the earlier portion of his speech, declared himself against any infraction of the *mirasi* principle, his later remarks showed that he was conscious of the necessity for some relaxation of the existing law on the subject. What was wanted was (a) to remove the legislative necessity which now bound Government always to take men from the *mirasi* family under the rule of primogeniture and (b) to leave the regulation of *mirasi* claims to executive rules.

As regards Sir James Thomson's opinions, Mr. Cardew pointed out that Mr. Clegg was not quite correct in saying that Sir James was not wholly against the *mirasi* system; the full correspondence of 1892 to which Mr. Clegg referred made this quite plain.

Dealing with Mr. Aziz-ud-din's point about the freedom of treasury remittances from misappropriation, Mr. Cardew observed that in districts in which *mirasi* right was not obligatory it did not appear that misappropriations were more prevalent than elsewhere.

In conclusion Mr. Cardew said that, while the retention of the *mirasi* principle was essential, it was necessary to take power to relax it where it proved to be inconsistent with the principle of efficiency.

Mr. Banerji, whose views had special reference to his experience in the Cuddapah district, had noticed that the reddy, though considered to be a backward class, nevertheless exercised enormous influence and in his opinion it would be a pity if their position were under-mined instead of being strengthened. The abolition of the hereditary principle would bring into village life a number of speculative outsiders who would cause oppression and disturbance and increase faction. Also, it would create another large class of unemployed, the supply being greater than the demand. Hereditary *mirasi* families were now fairly well-to-do and rich enough not to regard the present salaries as of much consequence, but the abolition of the hereditary principle would undoubtedly result in the gradual introduction of higher pay for village officers in general, because, with the present salaries, examination qualifications would not carry sufficient prestige or any special title to command respect. In Mr. Banerji's opinion it was unfair to compare districts where the *mirasi* system had existed and been recognized from time immemorial with those in which it did not obtain.

With regard to Mr. Turing's remark that the hereditary principle, owing to appeals, involved "an expenditure of time alike by the Board and by every Collector and divisional officer, which was absolutely ridiculous", Mr. Banerji commented that in his experience the amount of such work was in no way considerable.

Lastly, he observed that in the interests of the criminal administration the position of the village headman ought to be strengthened; he could not endorse Mr. Ramachandra Rao's proposal to deprive the village headman of his magisterial powers and thought that such a step would reduce his influence to nothing.

The Hon'ble Mr. Buckley, who had served both in districts where the *mirasi* system was in force and in districts where it did not obtain, thought that the advantage of dispensing with it lay in the saving of appeals and suits from village officers, which took up so large a portion of the time of divisional officers, Collectors and the Board.

As regards the quality of the men, Mr. Buckley had found the village officers in non-*mirasi* districts in no way better than those in *mirasi* districts, but they were certainly not worse, and so far as his experience in Salem and Trichinopoly went, there was no difficulty in getting non-*mirasi* men on the same pay. Personally, Mr. Buckley was of the opinion that, the policy to pursue was, wherever possible, to select men of the hereditary family for village offices and, if none were available in the family, to fall back on outsiders.

Mr. Braidwood, whose experience was limited to districts where the *mirasi* system was in force, differed from Mr. Clegg's opinion that, if the system were abolished, it would be difficult to get other men for the same pay. On the contrary he had heard it stated that in small villages the karnam used to earn about Rs. 50 per mensem and in big villages Rs. 100; in such circumstances there should be no difficulty in getting non-*mirasi* men to accept village officers' posts for the same rates of pay as at present given.

With reference to Mr. Ramachandra Rao's remark that with the *mirasi* system there was no sale of offices, Mr. Braidwood cited an instance within his knowledge in which a divisional officer received Rs. 1,000 for appointing a karnam.

Mr. Braidwood finally suggested that improvement might be effected, without getting rid of the present *mirasi* right, by adding a property qualification to the examination qualifications already prescribed, by debarring minors from appointment and by restricting the right to sue for village offices.

Mr. Innes explained that though in Malabar the system of appointing village officers was theoretically non-hereditary, yet in practice appointments were made on hereditary principles. Minors were not registered, and the divisional officer was not bound to appoint the next heir. But the rules required him to make the appointments by selection from the family of the last permanent holder. On the whole this system worked very well. Adhikaris especially were usually men of good family and their status in the villages was high. He thought that the Malabar system was the best one to follow and he objected strongly to the complete abolition of the hereditary principle.

The Hon'ble Mr. Clegg, referring to Mr. Buckley's remark that in a non-*mirasi* district men outside the family could always be found ready to take up village offices for the same rate of pay, said that one objection to this procedure was that practically it meant the starting of a fresh *mirasi* family each time an outsider was selected.

Mr. Aziz-ul-din remarked from his experience of fourteen years in the Salem district, that every Collector from the time of Dr. Macleane onwards had supported the *mirasi* system just as rigidly as in a *mirasi* district and that appeals against the orders of the Collector which involved departure from the *mirasi* system were admitted by the Board with instructions to enforce the hereditary principle. In Tanjore also he remembered the practice was the same in Mr. Stokes's time.

The Hon'ble Mr. Bedford said that in non-*mirasi* districts, like Salem and Tanjore, there was not complete continuity of policy, some officers following the hereditary system strictly and other officers departing from it more or less widely. He himself had followed hereditary principles closely in both the districts named. He emphasized the fact that, whatever policy might happen to obtain for the moment, it remained the case that karnams and munsifs when appointed to their posts, were fully convinced that they were in all probability establishing a claim for their descendants as well as themselves. Hence, the possibility of getting men of a good class to do hard work for small pay. Once it was clearly understood that they had no hereditary claim (a fact of which it would take many years to convince them), the candidates would demand adequate (that is to say, immensely increased) emoluments, and the character of the applicants would deteriorate.

His Excellency in closing the discussion said that sentiment was a great factor in the hereditary system and he would not be disposed to make any sweeping departure from the present procedure, but the Board might perhaps introduce elasticity in the method of appointment without removing the *mirasi* principle altogether.

SUBJECT 13.—TAHSILDARS' POWERS WITH REGARD TO VILLAGE STAFF.

Note.—For the notes on this subject see page 45.

The Hon'ble Mr. Cardew said that, when the Madras Hereditary Village Offices Act, 1895, came under amendment, it was proposed to introduce a section which would enable the Board of Revenue to authorize any officer not below the rank of deputy tahsildar to exercise any or all the powers of a Collector under section 7 and the powers selected for delegation would be defined subsequently by rules; but it was not possible to amend the Act until the Board's reply to a recent reference on the subject was received. The question of the provisions of the rules to be framed need not be considered until the Act had been amended.

His Excellency observed that Mr. Cardew having stated the intentions of Government, it might be useful if Collectors would indicate in what direction they thought the rules should tend. The substance of the rules was matter which would necessarily come under consideration at a later stage.

Mr. Braidwood urged that his note might be taken into consideration when the rules were framed. Referring to a remark in the first sentence of the Secretariat note, namely, that his recommendations were "substantially identical with the proposals put forward in 1908 by Mr. Davidson as an officer on special duty in connection with measures of decentralization", he observed that this statement was not quite correct, as Mr. Davidson himself had admitted. The idea of differentiating between the position of the village headman and the village karnam was new. Mr. Braidwood was of opinion that this distinction was a matter of real importance; the superior status of the headman as compared with the karnam should be emphasized, and he would be glad if the Board would fully consider his suggestions when the rules came to be framed.

The Hon'ble Mr. Davidson admitted that his proposals did not provide for any difference in the treatment of the headman and the karnam, respectively; the power of directing suspension which he had proposed to confer on tahsildars was limited in the case of both these classes of village officers to three months—as against the two-year period suggested by Mr. Braidwood with respect to karnams. The idea of differentiation had not occurred to Mr. Davidson in 1908, but he agreed that the principle was sound and should be adopted in order to raise the status of the headman.

The Hon'ble Mr. Clegg concurred as to the soundness of the principle. When rules came to be framed, it would be necessary to bear in mind the importance of maintaining the position of the village officers and he thought Government should be very chary about giving tahsildars and deputy tahsildars powers to deal with them.

Mr. Innes objected to any alteration in the rules and would not give the tahsildar any more powers than he had already over the village munsif or karnam. He laid stress on the need to keep up the position of these village officers, who attached great importance to the fact that they could not be seriously punished by an officer of lower status than the divisional officer.

Messrs. Moscardi, Banerji and Aziz-ul-din endorsed Mr. Innes' views.

Mr. Marjoribanks, while agreeing generally with Mr. Clegg, further suggested a specific prohibition of the practices of fining village officers and suspending them for short periods. Such forms of punishment did no good and created much trouble and bad feeling.

The Hon'ble Mr. Buckley agreed that short periods of suspension might with advantage be prohibited. The power now given to the tahsildar was, however, limited to suspension for one month and tahsildars were thus tempted to suspend

village officers for petty offences, though there was no means of making any satisfactory arrangement for the discharge of their work during the period of suspension. He would like to see something done to ensure that a certain amount of honour should attach to the post of village headman, the incumbents of which ought not to be altogether at the mercy of the tahsildar and deputy tahsildar.

The Hon'ble Mr. Davidson pointed out that in the interests of discipline minor as well as major punishments were required, and feared that the complete abolition of fines and suspensions for short periods of time would give rise to practical difficulties. In the case of the latter punishment it was usually possible to place the headman or karnam of an adjacent village temporarily in charge of the work of the officer suspended.

The Hon'ble Mr. Clegg observed that the difficulties which Mr. Davidson anticipated would not be felt if Collectors adopted the black mark system which the Board had recommended. This would provide adequately for minor punishments and an accumulation of black marks would involve dismissal.

Mr. Aziz-ud-din said that the black mark system had been tried in his district for some years and had proved a failure. He could not say what the experience of other Collectors had been in the matter but that was his conclusion. So far as village officers were concerned, the system was a subject of ridicule and no more practicable than Lord Curzon's orders prohibiting the fining of clerks, however excellent in theory. In his opinion the tahsildar's existing punitive powers, limited to suspension for one month, were sufficient. The essential element for disciplinary purposes was the knowledge and fear that punishment might be inflicted: the actual exercise of the power was seldom necessary: but its existence acted as a very useful check on village officers.

The Hon'ble Sir Harold Stuart cited it as his experience in the Police Department that the black mark system worked admirably in that force. He had no reason to think that it would not do equally well in the case of village establishments. Although the first black mark did not carry very much weight, the accumulation of black marks was a serious thing and it was soon realized that a third meant substantive punishment. The system was much better for men on small pay than the old vicious habit of fining, which often led to further malpractices.

Mr. Turing agreed with the Hon'ble Sir Harold Stuart as to the good effect of the black mark system but pointed out that the difficulty was that tahsildars would not try and work it. He thought it would be a good thing to abolish the fining powers of tahsildars and to insist on their inflicting suspension after a reasonable number of black marks had been awarded.

The Hon'ble Mr. Bedford expressed general agreement with the Hon'ble Sir Harold Stuart in regard to the undesirability of indiscriminate and excessive fining and suggested that any attempt in the direction of extending the powers of tahsildars was attended with grave dangers to the self-respect of village officers.

Mr. Cumming endorsed Mr. Turing's opinion that, if the black mark system had not been a success in the past, it was because that tahsildars did not work it properly. They did not keep a continuous record of the black marks awarded, or take action on any definite lines when the number became so large as to call for more drastic punishment.

Mr. Aziz-ud-din admitted that the black mark system might have proved a success in the case of the police force but reiterated that his experience had shown that it could not be worked satisfactorily with village officers. The reason might be that the tahsildars of the present day were not capable of enforcing the system in the same thorough manner as Superintendents of Police did. Another consideration, he urged, was that a police constable, after he had been given three black marks, could easily be replaced by another man capable of doing his work, whereas that was not the case with village officers, as their duties were very onerous and it was frequently difficult to find a proper substitute. Village officers, moreover, had many opportunities of making mistakes and thus rendered themselves liable to punishment much more often than members of the police force.

His Excellency, in concluding the discussion, observed that the full indication which members of the Conference had given of their opinions could not fail to be of use when the time came to frame definite rules on the subject.

SUBJECT 14.—WORKING OF THE MADRAS ESTATES LAND ACT, 1908.

Note.—For the notes on this subject see pages 47-48.

Mr. Macmichael, in opening this subject, observed that his proposal with reference to Chapter XV of the Madras Estates Land Act, 1908, only applied to rent suits and he did not suggest that commutation suits or suits for reduction of rent should be tried summarily. He brought to the notice of the Conference the increase of work that the new Act had caused to the divisional officer. Under the old enactment a considerable number of rent suits were tried in the ordinary civil courts, and in the divisions where he had worked the usual practice was to file suits to settle the conditions of pattas before the divisional officer and those for the recovery of rent in the court of the district munsif. All these suits now came to the divisional officer. Most of them were for arrears of rent; and consequently the divisional officer's work was much increased. Another cause of increase of work was that the suits were not tried summarily but according to the procedure governing original suits in civil courts. A suit in a district munsif's court usually required about four or five adjournments before disposal and a similar procedure caused extra work to the divisional officer. On the other hand, if a suit was tried summarily, it was disposed of in one hearing and there was a large saving of time. Mr. Macmichael regarded it as important that, as far as possible, the divisional officers should deal with the rent suits in their divisions, but in a fairly heavy division it was quite impracticable for the divisional officer to undertake the work; the consequence was that it fell into arrears, until finally a special officer had to be appointed. Although the Government had expressed their willingness to sanction special establishments when necessity was proved, his experience was that in practice it was difficult to obtain such assistance, and even if special staffs were to be had for the asking, this did not in his opinion represent a satisfactory solution, because suits had been pending for months before the divisional officers could properly apply for a special establishment. The objection which Government took to summary procedure, as stated in the Secretariat note,* would apply equally to all small cause suits and the answer to it was exactly the same. In a small cause suit, when a question of importance arose, the suit was transferred to the original side, and Mr. Macmichael could see no objection to the adoption of this procedure in the case of rent suits. There were not many rent suits of great moment, and when any important issue arose, the suit could be transferred and tried as an ordinary suit.

As regards the suggested amendment of Chapter XI, he was not at all sure that his plan furnished the best solution of the question, but he considered that the chapter required modification in some directions. Where the rent was paid in kind, the crying need was for money rents. Under the Act there were two ways of securing money rents. One method was by suit for commutation of rent under section 40. Suits for commutation were, however, out of the question when dealing with whole estates; in Ganjam the villages as a rule were leased out by the year to renters who kept no accounts and no one knew what the individual ryot paid. The other method was under section 168. There were three separate processes to be gone through in the latter case. First came a survey under the Madras Survey and Boundaries Act, 1897. Under that Act every ryot had two opportunities of bringing up objections, first, under section 11 and next under section 12. After the survey was over, the

* Mr. Macmichael referred to the following passage:—

“When the matter in issue is of real importance, summary adjudication will benefit neither party, as it will only postpone a final determination of the question and increase the cost of obtaining it.”

revenue officer appeared on the scene in order to conduct the prescribed enquiry previous to the preliminary publication of the record-of-rights, and in the course of that enquiry the ryot might bring up again every objection which he had raised before the survey officer. Then, when the preliminary record-of-rights had been published, the ryot had a further opportunity of objecting to any entry or omission in the record. A settlement of rents might be ordered within two months of the final publication of the record-of-rights; but after the preliminary publication of the record of that settlement the ryot was given yet another opportunity of objecting to every item in the record. In other words, he had in all five separate appeals on the same point.

In Ganjām it was money rents that the ryots wanted; they did not want records-of-rights. There were also other objections, namely, that the procedure was very expensive and that when the record-of-rights had been introduced, it was not possible to maintain it in zamindaris, the village establishments being so much less efficient than in ryotwari areas. Survey and settlement had been in force for some fifty years in ryotwari tracts and it was only after that period that, with a very much more efficient village and taluk staff, the administration was beginning, very slowly, to move towards the introduction of a record-of-rights. In Mr. Macmichael's opinion Government should follow a similar procedure in zamindaris and work up from a settlement of rents to a record-of-rights and not *vice versa*. He need only add that the reason why he suggested the elimination of the Madras Survey and Boundaries Act, 1897, was in order to ensure that the ryots' objections should be heard once for all by the revenue officer instead of twice, first by the survey officer and then again by the revenue officer.

The Hon'ble Mr. Clegg, while sympathizing entirely with Mr. Macmichael's complaints regarding the increase in the work of divisional officers, remarked that there was no great difficulty in getting special officers, since action was taken by the Board immediately on receipt of the Collector's proposals and Government were very prompt in sanctioning the additional staff desired.

Mr. Macmichael here pointed out that when in 1913 he asked for a special deputy collector for Ganjām, all that the Board recommended and Government sanctioned was a staff of two clerks, which, instead of giving relief to the divisional officer, merely added to his work. It was not until a second application had been submitted, that a deputy collector was ultimately sanctioned.

Mr. Braidwood stated that when he recommended the entertainment of a special deputy collector to dispose of 3,000 pending suits in the Chandragiri division, he was required to submit a further report to prove the necessity, backed up by detailed information on various points, with the result that three or four months passed before sanction could be obtained.

The Hon'ble Mr. Clegg retorted that the remedy for Mr. Braidwood's grievance was obvious:—Collectors should take care to explain their case properly in the first instance when sending up proposals for special staff. With regard to Mr. Macmichael's preference for summary procedure, the difficulty was to understand exactly what the word "summary" meant. Mr. Clegg himself had tried many "summary suits" under the Madras Rent Recovery Act, 1865, and his experience had led him to the conclusion that the easiest way of disposing of such suits was to hear them exactly like a civil court. There was really not much difference in the procedure.

Mr. Macmichael interjected that if the procedure was summary a mere memorandum of the evidence sufficed and it was not necessary to record and read out depositions in full.

The Hon'ble Mr. Clegg (continuing) referred to Mr. Macmichael's remark that in Ganjām it was very difficult to secure proper accounts by which to fix money rents under section 40 of the Madras Estates Land Act, 1908. The same difficulty, he said, had been raised in other districts, but it was met by the fact that under sub-section (3) (b) of section 40 money rents could be fixed, apart from accounts, with reference to "the money rent payable by occupancy ryots for land of a similar description and with similar advantages in the same village or neighbouring villages."

Mr. Macmichael commented that where the question in issue was the settlement of the rates of money rents for a whole zamindari, this criterion could not be applied, as there were no neighbouring villages to furnish the requisite standard of rent.

Mr. Turing endorsed what Mr. Macmichael said and added that in districts where grain rents commonly obtained his experience was that they were never satisfactory. What was wanted was some rough and ready means for the conversion of grain rents into cash without necessarily resorting to survey, record-of-rights and settlement of rents. The procedure to be adopted in a suit for commutation under the Act was a most unsatisfactory way of arriving at a money rent and in practice impossible to apply in a large zamindari.

Mr. Moscardi had no doubt that suits for commutation were extremely difficult. As district judge he had heard several appeals in such cases and he found that the divisional officers had not dealt with them properly, and had failed entirely to understand the facts. Some easier way of commuting ought to be found in view of the growing demand for commutation; and commutation ought to be carried out, because the existing grain rents were altogether unsatisfactory.

Mr. Paddison pointed out that as a fact it had been found possible in the Saptur estate to make the commutation from *varam* or grain rents into money rents without the intervention of any question of record-of-rights. The arrangement had been generally accepted except in a very few villages. He agreed with Mr. Macmichael as to the difficulty of maintaining any record-of-rights in zamindari villages; a large increase in the number of village officers would be necessary in order to cope with the additional work.

Mr. Hemingway brought to the notice of the Conference a system obtaining in the Central Provinces, which had been described to him by local officers as working well. Under that system the settlement officer decided not only what the zamindar had to pay to Government but also what the individual ryot had to pay to the zamindar.

The Hon'ble Mr. Clegg pointed out that the practice in the Bhadrāchalam taluk was the same as in Central Provinces. The procedure settled what the occupancy ryot had to pay to the superior or inferior proprietor.

Mr. Innes also confirmed Mr. Hemingway's remarks. It was the case that in Central Provinces the practice was to settle rents at the same time as land revenue. But, he added, the system had been found to work very badly.

The Hon'ble Mr. Buckley agreed generally with Messrs. Macmichael and Turing but observed that a survey was not in itself a difficult matter. The real difficulty was that a survey was not of much service unless it was maintained and he could not see how this was going to be done in proprietary estates.

A record-of-rights and a settlement of rents might, he thought, be taken on hand simultaneously. He gathered that in the Ganjām district very few of the details referred to in section 165 of the Madras Estates Land Act, 1908, were required to be entered in the record-of-rights and it should therefore be possible to carry out both processes together.

With regard to individual provisions of the Act, section 168 was designed to effect the settlement of rents for an entire estate, whereas section 40 contemplated the case of isolated holdings. With reference to Mr. Paddison's statement that a settlement of money rents had been effected in the Saptur estate without any record-of-rights, Mr. Buckley added that a similar result had been achieved in the Uttumalai estate without either survey or record-of-rights.

The Hon'ble Mr. Davidson confirmed the last statement, having been Collector of Tinnevely at the time. The settlement had been carried out by the Estate Collector with the assent of the tenants obtained after prolonged negotiation.

The Hon'ble Mr. Brodie, who had dealt with the question as member in charge of the Court of Wards business, added that the actual procedure followed, on the advice of the Government Pleader, was the institution of friendly suits for the determination of rates of money rent previously agreed to between the parties.

Mr. Braidwood, referring to *Mr. Macmichael's* concluding proposal, namely, to abolish the requirement that the survey must be carried out under the Madras Survey and Boundaries Act, 1897, observed that the chief ground for complaint probably arose from the idea that the maintenance of the survey would be both extremely difficult and very expensive. As a remedy, therefore, he suggested that perhaps it might be possible to carry out a survey on the simplest system which would be approved by the Director of Survey—not on some haphazard method proposed by inexperienced revenue officers—and then, once the areas had been fixed and the rents settled, to abandon the survey altogether so as to save the cost of maintenance. It would be extremely difficult to fix rents without ascertaining the extent of each holding.

The Hon'ble Mr. Cardew observed that the amendment of the Madras Estates Land Act, 1908, was under the consideration of Government, but it would be very difficult to introduce a large number of changes. In fact it was intended to limit the changes, as far as possible, to those which were absolutely necessary. Otherwise, it would mean the digging up the whole Act, which would cause an enormous amount of labour.

With regard to the suggestion to make the procedure in rent suits summary, he pointed out that the Madras Rent Recovery Act, 1865, though it said that the proceedings of Collectors under the Act should be summary, also expressly provided that the evidence of witnesses should be taken down in the form of a narrative and read over and explained, if necessary, to the witness. *Mr. Macmichael's* proposal that the evidence should not be fully recorded therefore went beyond the provisions of the old Act.

As regards the second main question, namely, whether it was necessary to amend the Estates Land Act in order to enable a settlement of rents to be made under Chapter XI without a survey and record of rights, *Mr. Cardew* remarked that this did not seem to be essential, as a settlement of rents for a whole estate could be carried through under section 40, as had actually been done in the case of the Uttumalai estate.

The Hon'ble Mr. Davidson thought that the possibility of simplifying the procedure without amending the law was worthy of consideration. Section 192 of the Madras Estates Land Act, 1908, provided, it was true, for the general application of the provisions of the Civil Procedure Code, but this provision was itself subject to exception, as the opening words of the section indicated, and under section 202 power was expressly reserved to the High Court, with the approval of the Local Government, to "make rules declaring that any portions of the Code of Civil Procedure shall not apply to suits between landholder and ryot as such or to any specified classes of such suits, or shall apply to them subject to modifications specified in the rules." It seemed therefore quite possible by the introduction of rules under section 202 to simplify the procedure so far as might be expedient. The history of the Act showed that this was clearly the intention of the Select Committee.

His Excellency asked if the volume of rent suits was generally heavy, an enquiry which elicited the reply that this was certainly the case in Ganjām, Rāmnād and other districts.

The Hon'ble Mr. Clegg, now that some experience of the working of the Act had been gained, was inclined, from the number of suits filed, to advocate the appointment of permanent officers where the work was heavy. In the last six or seven years it had been found necessary in certain districts to sanction special officers continuously for periods of six or twelve months at a time.

The Hon'ble Mr. Buckley stated that there had been a great increase in the number of suits since the passing of the Act, as every one thought it worth while to try his luck under the new legislation. As Collector of Trichinopoly he had noticed an enormous number of suits in the Udaiyarpalaiyam zamindari brought to decide whether the zamindar was entitled to charge for uncultivated land in holdings, these suits being filed year after year until some final pronouncement was given by the High Court. He thought that when the High Court had once decided the main principles the number of suits would be greatly reduced, and therefore only a temporary additional staff seemed necessary to deal with them.

Mr. Braidwood referred to experience in Ganjām as tending in the same direction. He recollected an occasion when practically all the tenants of an estate rose up against the zamindar, but after a few batches of suits were disposed of, the estate settled down again. He was inclined to think that the increase of litigation under the Act was in most cases a passing phase.

His Excellency, in summing up the discussion, remarked that the Estates Land Act was a very lengthy statute containing over 200 sections, which had only been passed in 1908 after some twenty years of discussion. The High Court had apparently not yet laid down the law on many doubtful points in the Act and *His Excellency* would deprecate any general revision of a statute, the interpretation of which was still incomplete.

The objection to the appointment of permanent officials to assist the ordinary staff in disposing of work under the Act lay in the doubt whether the large number of suits now filed was likely to continue. There was no doubt whatever as to the additional burden thrown on the divisional officer at present and it would be for the Board of Revenue to take note of the fact and consider how far the difficulty could be met by arrangements to ensure that district officers' requests for assistance were speedily and consistently dealt with. *Mr. Davidson's* point as to simplification of procedure without amending the Act should also receive consideration.

SUBJECT 15.—POSSIBILITY OF IMPROVING THE MADRAS SURVEY
AND BOUNDARIES ACT, 1897.

Note.—For the notes on this subject see pages 49—51.

Mr. Wood intimated that he had nothing to add to his printed note, which might form the basis of discussion.

Mr. Cumming said that *Mr. Wood's* note raised a question of very considerable interest and of even greater complexity. If the attitude of the civil courts towards the Madras Survey and Boundaries Act, 1897, was as stated therein, the position was reduced to this, that a person who chose to be obstructive and who did not appear or take any action at the time of survey was in a better situation than the man who honestly represented his claims and took the ordinary course under the Act, since in the latter case there was under section 13 only a year in which to bring a suit in the civil court whereas, according to *Mr. Wood*, in the former case there was no limitation. *Mr. Cumming* doubted whether that could have been the intention of the Act, but apart from the question of the attitude of the civil courts, he ventured to ask for information as to what were the precise views of the Government when they made the declaration in 1910 that certain surveys were to be regarded as final, that is, as "valid and legally binding on all parties concerned." He asked for that information in view of the latest pronouncement of Government as to the effect of operations and decisions under the Madras Survey and Boundaries Act, 1897, which was embodied in the Secretariat note. This pronouncement, which he believed was made with reference to a case arising in the Coimbatore district, was that operations under the Act merely settled boundaries and not questions of ownership, that the survey register was not a record-of-rights and that entries in it did not convey a legal title. *Prima facie* it was difficult to understand how a decision under the Survey and Boundaries Act could settle a boundary without at the same time deciding questions of title. *Mr. Cumming* did not know whether other Collectors had felt the same difficulty, but it had certainly impressed him.

The Hon'ble Mr. Buckley considered that *Mr. Wood* was not correct in interpreting the Act as having the effect of placing the man who did not raise any objection in a better position than the man who did. He believed that interpretation to be wrong, because section 12 of the Act required that "notice of every order passed by the survey officer under section 11 shall be given to all registered holders, the boundaries of whose holdings may be affected by the order." Under that section, notice was given, or should be given, to every one, whether he raised an objection or not, and provision was also made for a limitation of appeals against such orders. The section was followed by section 13, which declared that any party to a boundary dispute or an appeal, or any one claiming through such a party, might file a suit within a year; and no provision was made for a suit by any one else.

Mr. Cumming observed that section 13 of the Act included practically every one except a person who had not disputed his boundary at the time of survey.

Mr. Wood pointed out that the orders of the survey officer were not recorded in writing or communicated to the parties under section 11, unless there was a dispute. If there was no dispute, there was no order; and notice therefore could not be given under sub-section (1) of section 12 to the registered holders of the land. Rough pattas were indeed given to them, but those documents were not "orders" as to "the boundaries laid down," and no civil court would ever hold that they were.

The Hon'ble Mr. Buckley referred to the wording of sub-section (1) of section 11, viz., "If at the time of survey the boundary is undisputed, the survey officer may

"order that it shall be laid down as pointed out by the registered holder or his agent." The action taken under that sub-section amounted, he thought, to an order of the nature contemplated by section 12.

Mr. Wood retorted that no order was recorded in such cases; the only indication of the decision was the demarcation stones or the plotting of the boundaries on the survey plans, and the courts did not recognize either form of indication as an order which could properly form the subject of a civil suit under section 13.

Mr. Moscardi observed that whatever might be the intention of the Act in this matter, the civil courts would endeavour to go behind it.

The Hon'ble Mr. Davidson sought to explain the apparent discrepancy in the orders of Government which *Mr. Cumming* had noticed. The extract quoted in the first paragraph of the Secretariat note was based on a Coimbatore case, but the omission of two words had converted it into a general pronouncement, which it really was not. The case was brought forward by the Municipal Chairman. He found, after the survey was completed, that a main road leading through the town was in one vicinity divided up into three fields. Two of these were shown in the survey register as "municipal land" and the third as "Government poramboke". The Chairman, who was anxious to secure extra revenue to the municipality, contended that the former entry had the legal effect of making the first two fields the absolute property of the municipality, with the consequence that, if encroachments made on those sections of the road were assigned to private persons, payments in respect of such assignments should be credited to the municipal fund and not to Government. What he was informed by the Government Order (No. 301 M., dated 21st February 1911) was that "the operations under the Madras Survey and Boundaries Act, 1897, merely settle the boundaries and not the ownership of properties. A survey register is not a record-of-rights and entries in it do not *ipso facto* convey a legal title to land." He was also told that if he had any further representations to make, he might address Government again on the subject, but he did not do so. The order was only communicated to the Collector of Coimbatore and the Chairman of the municipality. The point taken in the notes on the case was that the survey settled the boundaries of those particular fields and that the description entered in the survey register did not give the municipality any absolute right of ownership. In the Secretariat note communicated to members of the Conference the words "*ipso facto*" were omitted, and the omission suggested, erroneously, that the Government order was intended to be a general ruling.

The parallel case as regards private land would be as follows:—If the survey register showed that, say, field No. 87 belonged to Ramaswami Aiyar, the survey merely settled the boundary of that field, but it was open to another member of the family or to a stranger to come forward and prove that he had come into possession of S. No. 87 by inheritance or otherwise and that he was the rightful owner of the field. In that sense, therefore, the entry in the survey register did not convey a legal title to Ramaswami Aiyar and it was open to other persons to establish preferential claims.

The difficulty however arose in cases where a boundary was settled as between private and Government land and demarcation stones were laid down accordingly. The question of title was then affected. Suppose, for instance, that the point in issue was where the boundary of a public street terminated and how far the limits of adjacent private land extended. In such a case, if the limits of the private land were demarcated so as to include the site of a pial previously believed to be Government land, then the survey, if not modified on appeal or otherwise, would have the effect of depriving Government of any title to the site and the absolute ownership would legally vest in the holder of the private land as demarcated at the survey.

Mr. Cumming still thought the attitude taken up by Government in the Coimbatore case was inconsistent with the position assumed in previous orders. He had not all the orders on the point by him, but he recollected one order which was somewhat to the following effect:—"so long as the notice required by section 11 (4) has not issued, the title to pials and koradus remains indeterminate." The only interpretation he could put on such a dictum was that Government did consider that orders passed under the Survey and Boundaries Act decided questions of title.

As illustrating the manner in which the orders of Government on the point were interpreted in the districts, Mr. Cumming referred to a case which had recently come to his notice. Somewhere about 1907 or 1908 the Collector of Coimbatore ordered that certain encroachments in the town of Erode should be assigned to the encroachers on payment of the full market value. The money was paid. Subsequently the assignees claimed refund of the amounts so paid on the grounds that the sites said to have been encroached upon had been shown as private property in the survey register and that the survey had been declared final. The orders passed on their petitions were that for the reasons given the amounts recovered should be refunded. In that case the view taken was that operations under the Survey and Boundaries Act did settle title; and the view was apparently an erroneous one.

Mr. Hemingway admitted that he was responsible for the order to which Mr. Cumming referred and said that he had passed it very much against his will on the perusal of a perfectly distinct Government Order definitely prescribing the course which he adopted.

The Hon'ble Mr. Cardew said that the subject was a confused and confusing one. He admitted that the Government Order of 1911 which Mr. Davidson endeavoured to explain appeared to him to be somewhat cryptic. What was really more important, however, was what the Act itself said. Section 11 of the Act provided that at the time of survey, whether the boundary was disputed or undisputed, an order had to be made and section 12 laid down that notice of every order must be served on all registered holders. When Government cases had failed in court, it had always been owing to some defect in observing the provisions of the law regarding the procedure to be followed, as in a number of cases that had been sent up from Trichinopoly. If an order or decision was always passed under section 11 and always communicated under section 12 (1), it must become final under section 12 (3). In one of the cases from Trichinopoly, Mr. Pinhey, as District Judge, had said that the survey officer's decision was not final, because there had been no dispute to be dealt with under section 11 (2), but, so far as the provisions of the Act went, it did not appear that this was correct or that there was any necessity for a dispute to arise and be decided under section 11 (2). What was necessary was that the procedure of the Act should be strictly followed.

Mr. Cardew went on to refer to the question whether a survey decided title or not. He observed that, in the case in which a strip of land on the boundary between two holdings was in dispute, the survey officer's decision as to the boundary would transfer the ownership from one claimant to another, and so did appear to determine title. But could it be said that the survey determined title, when the effect of the survey officer's decision was to transfer large tracts from one category to another and where no investigation of title had been made? Such cases perhaps could not occur, and in regard to the ordinary case of title to marginal strips on boundaries it seemed to him that the survey did decide title.

Mr. Paddison contended that even in the case of marginal strips of land it was only the boundary that was settled by the survey and not the absolute ownership. If, for example, Ramaswami Aiyar and Narayanaswami Aiyar were holders of adjacent land, the demarcation laid down by the survey officer would indicate the boundaries of the areas classed as survey fields in their respective occupation, and as to the position of those boundaries his decision would be final, if not modified or set aside on appeal or otherwise as provided by the Act. But it would nevertheless be open to Ramaswami Aiyar at any time to come forward and claim that he was in possession of a portion of the area included in a field entered in the survey register as in the occupation of Narayanaswami Aiyar. The survey could not affect any title to ownership which Ramaswami Aiyar might be able to establish in respect of the portion in issue.

The Hon'ble Mr. Davidson enquired what would be the legal effect of the survey as against Government if the land so claimed as against Narayanaswami Aiyar was alleged to be Government poramboke and the allegation had not been put forward or substantiated at the time of the survey.

The Hon'ble Mr. Buckley said that prior to 1904, when as Collector of Tinnevely he brought the defective procedure of the Survey Department to light, notices were not issued under section 12 (1) and consequently the surveys made before then were not legally complete. This was the reason for the failure of the suits in Trichinopoly referred to by Mr. Cardew. About 1904 Government ordered that notices under section 12 should invariably be issued and this was now done. Government had declared by executive order that the surveys carried out before the necessity of issuing notices under section 12 was realized were final, but such surveys were not legally binding under the Act, and the courts had held so; there was, however, practically no other course open to Government except to abandon the old surveys altogether.

The Hon'ble Mr. Bedford put the following illustrative case:—

"The survey officer lays down the boundary of two adjacent fields *x* and *y* and enters them in the survey register as in the respective occupation of *A* and *B*. *A* subsequently proves 12 years' adverse possession of a strip of land adjoining the common boundary but demarcated within field *y*. The civil court assigns that strip to *A* irrespective of the alignment of the survey boundary."

Such, he said, was the normal and correct procedure of the courts. The crux was to be found in the words "shall be final" in section 12 (3) of the Act and "shall be conclusive" in section 13. "Final" and "conclusive" the decisions might be, but of what? In practice, he thought, they could only be final and conclusive *as against Government*.

Mr. Bedford referred in this connection to the failure of similar provisions occurring in the Madras Land Registration Regulation, 1802, and to the Survey Committee's conclusion that a survey could only be made *presumptive evidence* of the facts recorded.

Finally, he indicated the possibility of effecting some simplification in procedure by arranging to give settlement officers power to deal finally with questions of survey in lieu of the present practice, according to which such matters might form the subject of a double series of proceedings and appeals before both survey and settlement officers.

Urban surveys, he added, really required a special procedure and should be regarded as outside the scope of the Survey and Boundaries Act.

The Hon'ble Mr. Buckley, referring to Mr. Bedford's enquiry in what precise respect a survey was final, pointed out that survey proceedings furnished a final record of what the boundary of a field was *at the time of survey*. A holder on one side of the boundary might obtain possession of land on the other side and might so alter the boundary of his holding or property, but he did not thereby alter the boundaries of the fields as laid down at survey.

Mr. Paddison, reverting to Mr. Bedford's illustrative case, remarked that the survey was final in the sense that *A* could not base a claim to part of the field *y* on the ground that the part claimed really fell within the limits of the field *x*.

Mr. Cumming submitted that the only sense in which survey could be deemed final was that it was final in so far as entries in the revenue records were concerned. He would illustrate his meaning by a rough sketch of two adjacent fields numbered respectively "1" and "2" and separated by a straight line *AB* forming a common boundary. If, he said, the registered holder of field No. 2 by a civil suit established his right to a triangular portion of field No. 1 denoted in the sketch as *ABC*—*C* being a point within field No. 1—he could only claim that *ABC* should be entered in the revenue records as a separate sub-division of field No. 1. He would not be entitled to have *ABC* included in field No. 2.

The Hon'ble Mr. Clegg said that in suits against Government the plea that the survey officer's order was final had now, under legal advice, been definitely abandoned except in cases where it could be proved that a notice under section 12 (1) had been given. Practically, therefore, the Survey Act was useless for the purpose of defending such suits. He could not remember any case in which proof of the prescribed notice had been produced or any decision regarding the effect of such a notice.

Mr. Wood mentioned two points. The first was that the survey ought to be final as to the conditions of the boundary at the time of the survey. He saw no objection to this being the law, and observed that, if it were the law, there would be no case against Government in any litigation regarding the survey, because parties who had since altered the boundaries and encroached could not claim 60 years' adverse possession of land beyond their boundary. Their adverse possession must have started *subsequent* to the survey, and they would be precluded from alleging that the boundary at the time of the survey was different from that actually recorded.

The second point was that no "order" as to the placing of stones could be notified under section 12 (1). If there was a dispute, the evidence could be heard and an order might be written; but if there was no dispute, no survey officer could write an order as to the places in which the stones should be placed. The only order was the actual planting of the stones, or the plotting on the survey sketch.

The Hon'ble Sir Harold Stuart remarked that when the stones were placed and the sketch was made, there must be an order, namely, that the boundary was in accordance with the sketch and the stones.

Mr. Wood entirely agreed, but stated that the sketch was not communicated to the parties, and that orders in undisputed cases could only be communicated in writing by means of reference to a sketch. The "order" might perhaps take the form of a note on the sketch, running somewhat as follows:—

"The above demarcation sketch indicates the boundary laid down under section 11 (1) of the Madras Survey and Boundaries Act, 1897."

Mr. Hemingway ventured the opinion that the measurements recorded in the sketch formed the record of the "order".

The Hon'ble Mr. Davidson enquired whether it was proposed to give copies of the survey sketches to every registered holder of land. That was not done at present, he believed.

The Hon'ble Mr. Buckley thought it absolutely necessary to give to the holder of the land a rough sketch of the property, if bends were not demarcated.

Mr. Marjoribanks said that at the time when the necessity for a notice under section 12 (1) was recognized, the question as to the form of order was discussed. The first proposal was that each party should be served with an extract from the land register accompanied by a sketch or plotted map of the field. The Survey Department objected to the trouble which this procedure would cause, and it was finally decided that the notice of the order should consist of an extract from the register coupled with an intimation that a copy of the sketch showing the boundaries of the fields could be obtained on application to the survey officer. This was quite sufficient, as a sketch was obviously the only intelligible form in which a survey officer could record what boundaries he had laid down in undisputed cases.

Mr. Turing thought he probably had to defend more suits about encroachments than any other officer. What he wished to know was whether, if it could be proved that notice under section 12 (1) had been served, that fact was an absolute answer to a suit claiming an encroachment on Government poramboke as private land, or whether the plaintiff could nevertheless succeed by bringing evidence to prove possession for a specified length of time. What was wanted in these suits was to be able to plead the survey as Government's sole defence and have done with it. This could not be done at present in Kistna, because the survey of that district was done without proper service of notices. But in the case of any future surveys, if that defect could not be avoided, the present condition of things must go on with regard to suits and the production of complicated evidence about possession would continue. The survey record was said to be final as regards boundaries and not as regards property; but this was a contradiction in terms and wholly inconsistent with the supposed finality of the Survey Act.

The Hon'ble Mr. Bedford agreed that the law was for practical purposes defective. The civil courts paid little or no regard to the survey.

Mr. Turing tentatively put forward the suggestion that the Act might be amended so as to provide that the courts should presume the prescribed notices to have been duly served, unless the contrary was proved.

Mr. Hemingway observed that where notices had been issued no court could reasonably hold that at the time of survey any private person was in possession of land surveyed finally as poramboke. He could not conceive that the lines laid down could legally be found to represent any limits other than those which defined the respective extents in the possession of Government on the one hand and the private party on the other at the time of the survey.

His Excellency brought the discussion to a close with the remark that no useful purpose would be served by further pursuing a subject which was so complex and gave rise to such conflicting opinions. He was familiar with similar difficulties in regard to the English law regulating the transfer and registration of titles. It was impossible to have any satisfactory system of recording such transfers, which did not ultimately rest on some form of survey. But of course new rights would grow up subsequently to the initial survey.

SUBJECT 16.—SURVEY AND REGULAR LINES IN MUNICIPALITIES.

Note.—For the notes on this subject see page 53.

Mr. Wood thought the matter of regular lines in municipalities of the greatest importance and was anxious that the revised rules should be expedited. The regular line was regarded with great respect, while the survey line was not. Owing to the fact that the Kumbakonam regular lines were not correlated with the survey, and the consequent order of Government to hold up all regular line work in the municipality until new rules or principles for the fixation of regular lines were promulgated, all work in Kumbakonam in the way of settling and getting rid of the existing encroachments had been stopped, and this delay would seriously add to the already existing difficulties in dealing with them.

A second point related to the disposal of small strips of land behind the regular line. At present such strips could only be given out to owners of houses on ground-rent and this was not worth the trouble of collection as the amounts only came to from one to three annas per case. On the other hand, if such land could be sold free of ground-rent, the funds realized thereby could be utilized by municipalities in the purchase of other strips of land where necessary to improve the street.

The Hon'ble Sir Sivaswami Ayyar pointed out that the practical benefits to be derived from a regular street line in a municipality depended on a number of accidents, such as the destruction, by fire or demolition, of houses projecting beyond the line. As, however, such contingencies were rather remote, it did not seem worth while to undertake any costly operations for the purpose of laying down a regular line.

As regards the disposal of small pieces of land behind the regular line, *Sir Sivaswami Ayyar* personally saw no objection to sales free of ground-rent.

The Hon'ble Mr. Bedford thought the question depended on what was meant by the regular line. The Kumbakonam operations had not, he believed, ever been intended to constitute the working of a regular line in the sense in which the term is used in the Municipal Act. Hence the misunderstanding between the technical experts and the local officials.

The discussion then closed.

SUBJECT 17.—VILLAGE HOUSE-SITE SURVEY.

Note.—For the notes on this subject see page 55.

Mr. Wood pointed out that as the village nattams had not been surveyed at all, communal porambokes and streets in villages were continually encroached upon and it was not possible to distinguish between private and Government lands. The survey of nattams was therefore clearly desirable. As a matter of fact the Survey Department had actually surveyed all village sites and recorded full topographical details and measurements; but these records were kept hidden in the head survey office in Madras. The survey plans supplied carefully omitted the chief information which was required, viz., the boundaries of public and private lands, and comprised a quantity of wholly unnecessary information. It seemed clear that the Survey Department could survey and map the village sites in a way useful to the district officers and to the public and at no more cost than the present more or less useless process involved.

The Hon'ble Mr. Bedford observed that the Survey Department had mapped every house in the village sites, but had only treated them as details. The Survey Committee's proposals were to abandon the mapping of details as to houses, to confine the work to the mapping of roads and other porambokes within the village site and to deal with them as poramboke sub-divisions or survey fields.

The discussion then closed.

**SUBJECT 18.—REVERSION OF VILLAGE SITE TO GOVERNMENT AND
ASSESSMENT OF BACK-YARDS.**

Note.—For the notes on this subject see pages 57–62.

Mr. Wood, dealing with the question of the reversion of village site to Government, pointed out that almost all the house-sites in the Tanjore district were private property; the owners had cultivated on them topes and market gardens; and a good deal of the insanitary condition of villages was due to the over-crowding consequent on this conversion of house-sites to other purposes. In Vizagapatam twenty years ago such cultivation on village site was treated as encroachment and stopped by the levy of penal assessments. This was probably not done in Vizagapatam now and the private ownership in the Tanjore district was of such long standing that it would almost certainly not be possible to proceed under the Madras Land Encroachment Act, 1905. In *Mr. Wood's* opinion the only remedy was to legislate. If there was no deficiency of house-sites in any area, the cultivation of such sites might be permitted in the same way as at present.

At this stage *the Hon'ble Sir Harold Stuart* intervened with the enquiry whether there was anything to prevent a big ryot from buying up all the village site held by private persons and *the Hon'ble Mr. Clegg* replied that he knew of no provision standing in the way of the acquisition of such a monopoly and believed that sometimes it did take place.

The Hon'ble Sir Sivaswami Ayyar thought this only occurred where the occupants were Paraiyas employed by the big ryot.

The Hon'ble Sir Harold Stuart cited a recent report by the Rev. Mr. Andrew on the conditions prevailing in the Chingleput district.

The Hon'ble Sir Sivaswami Ayyar said the question was complicated in Chingleput by the mirasi tenure, the nature of which was now the subject of litigation in the High Court.

His Excellency feared that the existence of monopoly rights would inevitably lead to over-crowding.

Mr. Wood stated that in any nattam in the Tanjore district out of an area of, say, 50 acres only three or four acres might be occupied by houses, the rest being taken up by cultivation. This was because a house would give an income of only about four annas, while the income from cultivation was much more.

The Hon'ble Sir Harold Stuart commented that the result thus was congestion in the area built upon.

The Hon'ble Mr. Bedford confirmed this comment, remarking that in Tanjore there was practically no vacant building land.

Mr. Turing observed that in Kistna the position was somewhat different from that obtaining in Tanjore; house-sites occupied by cocoanut topes and other cultivation were the exception, but nevertheless every conceivable site had as a rule been occupied by houses. He thought *Mr. Wood's* remedy—resumption of vacant site by Government—would only be of use in one case out of five.

His Excellency said that in the circumstances the desideratum seemed to be extension of the village site.

The Hon'ble Mr. Bedford raised the question whether the villagers as a body had any right to ask Government or, in other words, the general tax-payer to buy more land for them, when they had themselves used up the original allotment of house-site for other purposes.

The Hon'ble Mr. Cordew said that in the case of Kistna the Deputy Collector, who was now on special duty there with a view to increasing the amount of village site, had been instructed that the cost of any scheme of acquisition must be borne by the villagers and that he should only acquire land if the people were prepared to pay for it. *Mr. Wood's* point however was whether nattam could be made to revert to Government if not used for houses. The Secretariat note dealt with this point effectively and, as would be seen therefrom, this condition was always imposed when pattas were newly issued for house-sites in villages. When, however, house-site had been held on immemorial tenure without any expressed statement of the reversionary right of Government, there would probably be no legal power to enforce such a right. Legislation would be necessary to provide any such power.

The Hon'ble Sir Sivaswami Ayyar agreed that the possibility of action must depend on the terms of the grant. The grant either provided for resumption or did not do so. And in cases where there was no formal grant the legal criterion was whether the occupant had or had not acquired prescriptive rights.

His Excellency considered that the discussion of *Mr. Wood's* proposition was hardly worth pursuing further and might at this stage appropriately be closed.

Mr. Wood agreed with the remark that the difficulty was specially felt with regard to sites the possession of which dated from a time anterior to the rules for conditional grants. In those cases it seemed impossible to get back the land, if not used for house-building, and the Government reversionary right could not be claimed except by legislation insisting on the original purpose of house-site being conformed with.

The Hon'ble Mr. Cordew, in raising the further topic of the assessment of back-yards, drew the attention of the Conference to paragraphs 5 *et seq.* of the Secretariat note setting out the existing anomalous position under which assessment was levied on back-yard cultivation in certain districts while it was not charged in the rest of the Presidency. Of the districts where the assessment was levied, only in five cases, viz., Tinnevely, Guntūr, Tanjore, Kistna and Gōdāvari was the amount considerable. In those districts the aggregate revenue derived amounted to some Rs. 16,000, while in the other districts only a petty sum of about Rs. 235 was in issue. The question for Government was whether to surrender the income of Rs. 16,000 in the five districts or to impose assessment in the other districts. On the one hand it was rather invidious to levy assessment only in five districts, while on the other hand if the system were extended, a large amount of labour and measurement would be involved; and it would also of course be an unpopular move. This was the point on which Collectors were invited to give opinions.

Mr. Braidwood observed that the Collectors were in the habit of levying assessment on back-yard cultivation in those districts where there was a scarcity of house-site, and the assessment in those places was in the nature of a penalty for the occupation of house-site for purposes other than houses. The delta districts were exceptional and a distinction was drawn between detached back-yards and those actually attached to houses.

Mr. Marjoribanks saw no reason to give up the charge and would rather extend its application so as to pave the way to a fuller recognition of the right of Government to levy assessment on village site, as well as other land, which ran some risk of being forgotten.

Mr. Wood with a view to reduce petty measurements and at the same time check improper occupation suggested a minimum charge of one rupee per site, citing in support of this proposal a precedent from the Federated Malay States where a similar minimum fee of half a dollar had, he understood, operated to prevent minute sub-divisions.

The Hon'ble Sir Harold Stuart recalled the attention of the Conference to the present anomalous state of the assessment of back-yard cultivation. He thought that Government might be attacked at any time in the Legislative Council. The question was whether the assessment should be abolished altogether or extended to the other parts of the Presidency. The objection to the extension of the assessment throughout

the Presidency might perhaps be sufficiently met, if it were agreed that the income derived therefrom should be handed over for the improvement of the village in which it was levied.

Mr. Hemingway saw little likelihood of any great additional revenue by way of taxation on back-yard cultivation in those districts which at present paid small sums under this head, since such cultivation only took place and was only likely to take place to any considerable extent in districts where it was highly profitable, and these were already highly taxed. Moreover, where the areas concerned were not large, it was not desirable to discourage such cultivation, since the possession of small gardens tended to improve sanitation and increase the amenities of village life.

Mr. Paddison was understood to favour a minimum charge, such as *Mr. Wood* suggested. In a district like Anantapur the process of measuring exact extents would be very laborious.

The Hon'ble Mr. Clegg was of the opinion that for the cultivation of vegetables, etc., which were ordinarily recognized as permissible in back-yards, no charge should be made—whatever the extent—provided always that the occupation was legal occupation, but where the cultivation extended to paddy or ordinary dry crops he saw no reason why a charge should not be levied in the usual way.

His Excellency then closed the discussion with the remark that while conditions seemed to vary from one extreme to the other throughout the Presidency, he personally would be disposed to limit back-yard cultivation to the minimum reasonably necessary for the householder.

SUBJECT 19.—IMPROVEMENT OF RURAL SANITATION.

Note.—For the notes on this subject see page 63.

Mr. Hemingway suggested that a considerable improvement might be effected in rural areas by an extension and simplification of the union system. He instanced the cases of two village sanitary associations in his district whose members had suggested to him that they should be armed with compulsory power to levy taxes without being obliged to levy more than they liked and without being interfered with in the way they chose to spend the money. Unions were chiefly unpopular because of the supposed obligation to impose the full rate of house-tax and because of the constant and rather galling supervision and interference by superior officers. He advocated a very great relaxation in such supervision and went so far as to say that in smaller unions he would not object to the absence of any supervision whatever. If villagers were allowed to levy (subject to a maximum) exactly what they liked and to spend it exactly as they liked, the union system would gain very greatly in popularity and might be extended with success to a very large number of villages.

The Hon'ble Sir Harold Stuart having asked the reason of the common cry "we don't want any more unions", *Mr. Hemingway* expressed the belief that the trouble caused by inquisitorial and vexatious audits was largely at the bottom of it.

The Hon'ble Sir Sivaswami Ayyar here pointed out that the Local Boards Act gave powers to district boards to levy house-tax under a scale which ranged between a maximum of Rs. 10 and a minimum of four annas and that the rates of tax could be fixed within these limits so as to suit the circumstances of particular unions. The present law seemed therefore to allow sufficient elasticity in the matter of taxation.

Mr. Hemingway reiterated that there was nevertheless too much control and too much worry.

Mr. Aziz-ud-din would have no collection of taxes without audit, which he considered a necessary evil wherever money was concerned. There were cases of misappropriation of union collections even now and any taxation not subjected to audit would be useless. Increases in taxation would always be resented by villagers and Government inevitably incurred odium when the taxes were raised.

The Hon'ble Sir Harold Stuart was inclined to the opinion that villagers would be willing to tax themselves, if they were allowed to spend the proceeds as they liked instead of being compelled to spend them on such objects as sweepers, lighting, clerks and establishment, which commended themselves to the central authority. Some audit would probably be necessary but it seemed desirable to restrict it as far as possible.

Mr. Wood, citing personal experience in the Tanjore district, stated that in that district there were four or five voluntary village associations which collected money themselves and spent it on village improvements. There was no Government audit of accounts, the members fixed the rates at so much a month and the business was carried on by an honorary secretary. If this system was encouraged, the villagers were likely to appreciate its value. Such associations were at present popular only among the Brahman community but other communities would probably follow the same lines elsewhere in time.

The Hon'ble Sir Sivaswami Ayyar feared that without compulsory powers such associations were not likely to succeed.

Mr. Wood rejoined that the system had already continued for three years in Tanjore and that those responsible for the working of it did not want compulsion.

Mr. Braidwood observed that, though voluntary sanitary associations might be popular in advanced districts like Tanjore, they were not likely to spring up to a very large extent in backward areas such as Chittoor. The villagers of even backward districts would in some cases, however, consent to tax themselves for rural sanitation on the understanding that Government would make contributions equal to the amount of the tax voluntarily collected. There had been five such cases recently in his district.

The Hon'ble Sir Harold Stuart interjected that Government could not make any such promise.

Mr. Braidwood (continuing) referred to *Mr. Hemingway's* view that villagers disliked outside control, and observed that without such control village organizations were apt to be inefficient; for instance, in unions not properly supervised sweepers would never do their work, the union chairman never went round the village and the whole business was left to the clerk.

The Hon'ble Sir Sivaswami Ayyar enquired whether it was possible to make any advance in rural sanitation without some sort of village organization such as that contemplated by the Local Boards Act.

Mr. Braidwood preferred to have the institutions on some legal basis.

The Hon'ble Sir Sivaswami Ayyar asked whether more use could not with advantage be made of the existing power under the Local Boards Act to constitute unions.

Mr. Braidwood was in favour of creating more unions, but one difficulty of course was that the people were strongly opposed to taxing themselves; also it was difficult to find chairmen and members sufficiently educated in English to understand the union administration. Perhaps unions might be constituted in areas with a minimum population of about three or four thousand. Where, however, the physical circumstances of a village were such that sanitary improvements were almost out of the question, as was sometimes the case, the establishment of a union was not desirable.

The Hon'ble Sir Harold Stuart observed that where the villagers did not know English, the correspondence might be in vernacular.

Mr. Moscardi opined that the success of the union system depended largely on the district. The voluntary system might work easily in districts where there were a good many educated people, but in such a district as Bellary there was not the slightest doubt that, if the formation and management of unions were left to the option of the people, they would do nothing at all. Recently a union in Bellary which had been running for a long time ceased work altogether for three months at a time and the reason assigned for the cessation was—that the union clerk was ill.

Mr. Cumming observed that so far as his experience went voluntary associations generally owed their origin to the presence and active efforts of some official who was more than usually keen on sanitation and they became defunct as soon as that official's control was removed. One great defect in the present system of union administration was the expenditure of so large a proportion of the receipts on establishment—not the class of establishment that had of necessity to be employed for sanitary improvement—but establishment such as the bill collector and the union clerk. There were in fact unions the house-owners in which were being taxed for little else than the maintenance of a clerk and bill collector. He was aware of a case in the Coimbatore district in which proposals had been put forward that the house-tax collections should be made by the monigar. If some scheme could be devised whereby the charges for clerical and collecting establishments would be reduced, as for example by entrusting the duties of union clerk to the karnam and the work of collection to the monigar, this would leave more to be spent on the improvement of sanitation, which was the primary object for which unions were constituted.

The Hon'ble Mr. Buckley said that he was largely instrumental in abolishing several unions on the ground that they had not sufficient income. It had been suggested that population should be taken into consideration in constituting unions

but a more important consideration was that of income. It was no use creating a union if most of the revenue was to be swallowed up in establishment charges, etc., leaving only one or two hundred rupees for works of utility. No village which could not give promise of finding an income of, say, Rs. 1,000 should be made a union. *Mr. Hemingway's* proposal, which seemed worthy of consideration, was apparently intended to deal not with large but with small villages which could not afford to have a union staff.

The Hon'ble Mr. Bedford's opinion was that voluntary associations were an excellent means of promoting sanitation but that the principle was not capable of much extension unless an element of compulsion was introduced. But powers of taxation could not be given without the concurrent liability to control; otherwise the results would be as disastrous as the principle would be bad. Section 141 of the Local Boards Act specified certain duties to be performed by unions and it was possible without much hardship to form unions for the purpose of carrying out the sanitary administration of villages with a minimum amount of compulsion and no loss of efficiency.

The Hon'ble Sir Sivaswami Ayyar enquired if it was practicable to reduce union expenses by employing half-time men, such, for instance, as the village postmaster.

Mr. Wood thought this might sometimes be feasible.

Mr. Banerji pointed out that *Mr. Braidwood's* proposal was to effect an improvement in village sanitation by the imposition of a special sanitary cess of three pies. So far there had been useful discussion as to the possibilities of improving the sanitation of large villages in districts where unions had been established or where some kind of organization, voluntary or compulsory, could be started. But in most districts there was a great deal of work to be done in the non-union villages in rural parts. The question was how any improvement was going to be effected in that direction. In such areas wells and tanks ought to be protected, medical aid provided and epidemics prevented, but it was doubtful whether all these objects could be secured with the present system of levying taxation. He agreed with *Mr. Braidwood* that the existing funds and establishments were not adequate to carry out the requisite improvements. Neither the levy of a special sanitary cess nor even the doubling of the land-cess would provide sufficient funds for the improvement of sanitation in rural tracts. In such areas therefore the only alternative was to supplement the resources of local bodies by contributions from Government as was now done. That seemed to be the only solution of the question.

His Excellency summed up the discussions in the following terms:—

An element of compulsion was necessary in a system of union government and there must be audit in order to guard against abuse and misappropriation. At the same time voluntary associations, which sometimes did good, should be encouraged as far as possible wherever people took a common interest in them. It was worth while for Collectors to examine whether in their districts there were villages of sufficient population and income to justify their constitution into unions. It should be remembered that the powers under the Local Boards Act were elastic and all or any of them could be applied to individual unions.

SUBJECT 20.—NON-OFFICIAL PRESIDENTS AND VICE-PRESIDENTS OF
DISTRICT AND TALUK BOARDS.

Note.—For the notes on this subject see pages 65—68.

The Hon'ble Sir Sivaswami Ayyar desired to preface the discussion by the statement that there was no intention to appoint non-officials as presidents of district boards.

His Excellency observed that in the circumstances criticisms might be limited to the cases of non-official vice-presidents of district boards and non-official presidents and vice-presidents of taluk boards.

Mr. Innes had originally objected to the system of an unofficial vice-president of his district board, desiring to utilize his headquarter sub-collector in that capacity. His first unofficial vice-president had been Mr. Manavedan Raja, a retired officer of his own service and much senior to him, a relation which was naturally somewhat delicate. This gentleman's successor, Mr. Verghese, was also a retired official, having just vacated the post of treasury deputy collector; he had made an excellent vice-president. With regard to the general question, however, it was essential that the vice-president should relieve the president and that as vacancies occurred the Collector should be given full discretion to decide whether the vice-president should be an official or non-official. All Collectors were aware of the wishes of the Government and would carry them out if a suitable non-official were available.

As regards non-official presidents of taluk boards Mr. Innes' personal experience had so far not been very fortunate. The system had been tried in one taluk (Calicut) but the non-official president had failed because he would not tour. All efforts to secure a suitable non-official gentleman in his place had been unsuccessful and in that local fund taluk the divisional officer was now reigning. The experiment was being tried in another taluk (Palghat) with better prospects of success, the incumbent of the post having already received training in the capacity of vice-president. The system, however, should be regarded as tentative and extended with great caution.

As to non-official vice-presidents of taluk boards Mr. Innes' experience was that it was usually difficult to get a suitable gentleman at the taluk board headquarters.

The Hon'ble Sir Sivaswami Ayyar remarked that the practical question seemed to be whether or not a suitable non-official could be secured.

Mr. Innes agreed that this was so, and *Sir Sivaswami Ayyar* remarked that failing such persons Government had allowed the appointment of officials as vice-presidents.

Mr. Turing had had two non-official presidents of taluk boards in Kistna and they had proved generally satisfactory. Their touring work was rather inadequate last year, but on the whole they did quite as much work as it was possible to get from the spare time which a deputy collector could devote to local fund business. Non-official presidents, however, had a good deal to learn yet; for example, while their principal interest was in sanitation and education, they did not pay sufficient attention to road maintenance and did not seem to have the same grip as an official on the connection between income and expenditure. They constantly required to be reminded of the limits of expenditure and in that respect their proposals were apt to be a little impractical. The result of the experiment entirely depended upon the individual selected. On the whole it had been a success in Kistna.

As regards the question of vice-presidents of district boards, *Mr. Turing* referred to the great volume of troublesome routine work in a heavy district like the Kistna in which a non-official naturally did not take much interest. Such work had little or no educative value, and it would be better, if possible, to arrange for its disposal by some other agency.

Mr. Braidwood remarked with reference to paragraph 12 of the Secretariat note that the statement that the President of the Chittoor Taluk Board "found three years of the work sufficient", conveyed two implications, one of which was certainly, and the other possibly, incorrect. The president referred to had since resigned merely on the ground of ill-health; he was an extraordinarily able and capable president and Mr. Braidwood would like to see the present system extended largely if others of his calibre were available. The other implication was that three years was too short a period. It was doubtful whether an honorary local fund officer should continue for more than one term and in Mr. Braidwood's opinion it might be quite desirable that he should give way to another.

With reference to a remark in paragraph 13 of the Secretariat note, viz., that the system of electing non-official vice-presidents of taluk boards had worked satisfactorily, Mr. Braidwood pointed out that this was so merely because the delegation of powers to the vice-president lay entirely in the hands of the president who would delegate only such powers as he thought fit. He mentioned a case in which the president was not satisfied with the vice-president and entrusted to him only the signing of fair copies.

The Hon'ble Mr. Bedford remarked that so far as it concerned the Chittoor Taluk Board the Secretariat note was a mere paraphrase of the information given in Mr. Braidwood's own reports.

Mr. Aziz-ud-din proposed to offer no remarks in regard to non-official vice-presidents of district boards because it was apparently left to the president to choose either an official or a non-official as his vice-president.

As regards non-official presidents of taluk boards, his opinion was that if the president was elected, the vice-president should be nominated and *vice versa*. So far as the South Arcot district was concerned, he considered that after the present non-official president vacated office, it would be difficult to find another suitable non-official. He also thought the appointment of non-official president with a non-official vice-president was likely to result in friction. While therefore of opinion that, wherever satisfactory persons could be found, the experiment might be made, he advocated great caution in the matter. It was too early yet to say whether the scheme had succeeded or not, but his own view was that in the long run it was not going to succeed.

Mr. Banerji said in the first place that in backward districts it would be impossible to find a man who could be considered fit for the position of president of a taluk board. Secondly, it was necessary that civilian officers when put in charge of a division should gain some experience of local fund work. If the scheme of having non-official presidents of taluk boards was generally extended, as it seemed likely to be, the divisional officers would have no opportunity of obtaining that practical acquaintance with local fund work which would be so useful when they rose to the position of district board presidents.

The Hon'ble Sir Sivaswami Ayyar pointed out that a divisional officer would always have an opportunity of acquiring experience in his capacity as an *ex-officio* member of the taluk board.

Mr. Banerji, however, regarded experience so gained as very different from the knowledge acquired when the officer was himself in a position of control.

Mr. Moscardi doubted whether the divisional officer did not direct all the real work of the taluk board, whoever was nominally the president.

The Hon'ble Mr. Buckley observed that the subordinate revenue officers did practically all the local fund work so long as the taluk board president was the divisional officer, but if the president was a non-official there was a risk they would do no work, and if they did not work, it would become necessary to employ a special establishment for business now carried on by the revenue staff.

Mr. Wood, while concurring generally in Mr. Buckley's remarks, added that no trouble had been experienced in Tanjore except occasionally in the case of village officers who were averse to giving willing service to un-official taluk board presidents.

Mr. Macmichael considered it essential that, if there was a non-official president, the vice-president should be nominated. The president's wishes must be consulted. In his district there was one gentleman eminently fit to be taluk board president, but he could not recommend him for the post, because he happened to know that this gentleman would never be able to get on harmoniously with the vice-president of the board, who was elected.

Mr. Aziz-ud-din suggested trying the local sub-registrar as taluk board president.

The Hon'ble Mr. Bedford pointed out that the sub-registrar was not a non-official.

The Hon'ble Mr. Todhunter thought that so far as the educative aspect of the question was concerned the president and the vice-president were not the only persons to be considered. It was perhaps more important to educate the board members and the way to do that was to arrange for the devolution of work and responsibility on committees.

Mr. Marjoribanks deprecated any proposal to place village officers under the control of un-official presidents on the ground that it would be unadvisable for revenue subordinates to have yet another set of masters.

Mr. Hemingway enquired if any officer present had personally held charge of a division with a non-official taluk board president.

Mr. Wood said that to his knowledge Mr. Jackson, on succeeding a non-official taluk board president at Negapatam, had found the records of the local fund office in a mess and the clerks doing just as they liked!

The Hon'ble Mr. Bedford drew attention to the preliminary question what was the object of this experiment? Was it efficiency or was it training in local self-government and education in civic spirit? The non-official presidents might not be as efficient as official presidents, but the Conference had not pointed out such serious risks as to make it inexpedient to continue an experiment, which in his view had been made mainly in the interests of local self-government.

The Hon'ble Sir Sivaswami Ayyar observed that from the printed note Mr. Hemingway's view seemed to be that the ideal of local self-government was fundamentally a mistake.

Mr. Hemingway replied that he was a profound believer in local self-government, but considered that the Collector or the divisional officer, as the case might be, should be the chairman of the self-governing body. The chairman's duty was to see that the subjects for decision were placed fairly before the local board and that the considered and *bona fide* opinions of the board were obtained and enforced. To dissociate the divisional officer or the Collector from the chairmanship would dethrone him from his natural leadership of the people in his division or district.

Mr. Ramachandra Rao thought that in view of the great increase in the work of divisional officers any relief, however little, would be welcome. It had been represented that a divisional officer's work would cease to be interesting, if he were deprived of local fund business, but as a matter of fact much of the work of the president of a taluk board was uninteresting drudgery. The percentage of local fund business which could be called interesting was very small indeed and the conduct of such business would continue to be directed by the divisional officer, since he could always make himself felt in the taluk board, of which he would be a member, though not actually president.

Another point that had been taken against the system of non-official presidents was their presumed inefficiency. In Mr. Ramachandra Rao's experience, however, a non-official president in his district, so far from lacking efficiency, had done his work much more efficiently than a divisional officer. He had been able to open more

burial-grounds and inspect more wells, had collected more contributions towards public objects from villagers and in other respects compared favourably with his official predecessors, being in a position to devote all his time in camp to local fund work instead of dividing it up among the multifarious demands on the attention of a magistrate and revenue officer. The real difficulty lay in securing a suitable non-official with the necessary amount of leisure. If such a gentleman were available. Mr. Ramachandra Rao had no hesitation in averring as the result of his experience that a non-official taluk board president was to be preferred to a divisional officer president from every point of view; the divisional officer in virtue of his position as such could, without being president, continue to enforce his views on the taluk board in all important matters.

The Hon'ble Sir Sivaswami Ayyar observed that the advantage of nomination was that, if a suitable non-official president was not available, an official could be appointed, while under the system of election it would be very difficult to revert to nomination. The former system was a sort of half-way-house and there was no danger in continuing the experiment. For example, recently in the case of Negapatam, when Mr. Wood reported that a suitable non-official was not available, the Government had allowed him to appoint an official president. It seemed therefore advantageous to continue the present procedure as affording an opportunity for training the people in local self-government.

His Excellency then summed up the position as it appeared to him in the following terms:—

Every one recognized the importance and the desirability of the association of non-officials and officials in the ordinary administration so far as practicable. But work had enormously increased in the last ten or twenty years and was likely to grow, as sanitation, education and other needs became more pressing and demanded more and more of the time and attention of local boards. The rivalry between the educative process and efficiency, which had been emphasized in these discussions, would thus tend to become more and more apparent and this might enhance the chance of failure, for if too much risk was taken, the result might be prejudicial to the extension of the local self-government. The central Government would be more and more timid and cautious and disinclined to give powers to local boards, and there would be a tendency to distrust these bodies and shrink from enlarging the scope of their work. In Madras at present the central Government kept a close grasp of financial control and utilized other methods of restricting the operations of local authorities, where it seemed expedient.

With regard to the question immediately in issue His Excellency attached much importance to elasticity. Collectors and district officials should be trusted and their opinions should be given great weight in the selection of gentlemen for these honorary offices. Special stress had rightly been laid by every one who had spoken on the fact that the success of the experiment of appointing non-official presidents of local boards depended on finding the right men.

SUBJECT 21.—CONSTITUTION OF DISTRICT AND TALUK BOARDS.

Note.—For the notes on this subject see page 69.

Mr. Innes observed that in his district the elective system had not worked well; at any rate it had roused no enthusiasm at all. Contested elections were almost unknown. In one taluk, Wynaad, the system should never have been introduced: the circles were large, the voters few and candidates almost non-existent: the system had thus been positively harmful and had resulted in undesirable persons becoming members of the board.

Mr. Aziz-ud-din thought there was little need for comment on the elective system as applied to district boards, but the election of taluk board members had certainly failed to give satisfaction to the people in several areas, and to him it seemed to have proved a failure. The voters were not very intelligent and the right people were not elected; any one, however undesirable, could secure election if he liked. It was, however, too late to withdraw from the position already taken up by Government in the matter.

Mr. Braidwood's opinion of the elective system was that it might easily result in inequalities in the representation of the several areas in the district and be in effect less representative than a system of nomination. He instanced the present membership of the Chittoor District Board, which included no less than 16 residents of two central towns—Chittoor and Madanapalle—as against 12 representatives of the rest of the district.

The Hon'ble Mr. Bedford pointed out that the members of taluk boards were elected by rural electorates or appointed by the Collector, so that the remedy for the state of things described by *Mr. Braidwood* seemed to lie in the Collector's own hands.

The Hon'ble Mr. Todhunter mentioned the case of an elected member who had had to be removed from his seat because he was in jail, referred to the unwillingness of respectable men to submit themselves to election, and advocated the reconsideration of the electorate, especially in the direction of giving votes to village headmen. In the Central Provinces a simple system of election, by groups of village headmen, of representatives of the groups had been worked for many years with success.

In *Mr. Paddison's* opinion the elective system was not popular mainly because the best persons would not condescend to ask for votes.

Mr. Wood expressed agreement with *Mr. Paddison's* view. Good men did not like to ask for votes and were often subjected to humiliation in doing so, while the voters themselves were not qualified to elect the right man.

Messrs. Buckley, Brodie, Moscardi and Clegg also endorsed the views expressed by *Mr. Paddison* and *Mr. Wood*, and *Mr. Turing* in doing the same remarked that while nomination was universally looked upon as an honour, to be elected was in fact almost in the nature of a disgrace.

The discussion then ceased.

SUBJECT 22.—MAINTENANCE OF INTER-DISTRICT ROADS.

Note.—For the notes on this subject see page 71.

Mr. Paddison thought the tendency of district boards was to keep in good order trunk roads which run well within their jurisdiction but to neglect small sections along the borders of the district. The result was that much inconvenience was caused to the traffic between neighbouring districts. This difficulty had been felt as between Madura and Rāmnād and Madura and Coimbatore.

Mr. Innes mentioned instances of lack of co-operation between Malabar, South Canara, Coimbatore and Coorg, due in some cases to the cost of constructing expensive bridges. Trunk roads, however, were usually the most important lines of communication and therefore the best kept up.

The Hon'ble Sir Harold Stuart referred to the existing railway facilities between Malabar and Coimbatore and suggested that the new line from Palghat to Podanur might further reduce the need for trunk communications.

Mr. Innes thought the volume of road traffic would continue to be large.

His Excellency said that what Government wanted to know was whether road communications, including bridges, tended to suffer by reason of the facts that each Collector was responsible only for his own district and that there was no actual machinery to ensure the consideration of inter-district relations.

Mr. Cumming considered that there was at present a lack of co-ordination between districts in the matter of maintaining through lines of road communication. It was desirable that there should be a closer co-operation between neighbouring districts in this matter. The only way of securing this would be for Government to prescribe what roads should be regarded as through lines and to see that these were kept up to a uniform standard. At present the Collector of one district had no information as to the roads which were regarded in the neighbouring districts as through lines of communication.

Mr. Braidwood agreed that a district board president did not know what the classification of roads in the next district was. It was therefore essential that lists of roads should be kept for the whole Presidency and communicated to district board presidents in adjoining districts. The matter might then be left to the presidents, who would make mutual arrangements for the proper maintenance of the roads running from one district into another. No further interference should be needed. As it was, though Government had two or three years ago called for particulars with a view to the systematic classification of roads, the material sent up had not been made available to district officers. He presumed it had been pigeon-holed in the archives of the Secretariat.

The Hon'ble Mr. Davidson explained that the object of the order referred to—G.O. No. 551 L., dated 9th April 1912—was to facilitate the equitable distribution of special road grants. It was desired to give preference to districts in which the mileage of trunk roads was large and the information had been of great use in that connection.

Mr. Wood cited a specific instance of lack of co-operation between the district boards of Tanjore and Trichinopoly.

The Hon'ble Mr. Todhunter mentioned the case of a broken bridge close to the border of the Rāmnād and Tinnevely districts on the Sankaranayanarkoil-Srivilliputtur road. He thought that the remedy for the lack of co-operation lay in encouraging the Collectors of adjoining districts to meet and discuss matters.

Mr. Moscardi referred to the case of roads running from British territory into a Native State, and mentioned that one such instance, namely, a particular road passing from Bellary to Mysore, had been sent up to Government, but with no practical result.

Mr. Aziz-ud-din agreed that there was not much co-operation between one district and the neighbouring one in the matter of inter-district roads and suggested that the only satisfactory solution would be to revert to the old system under which trunk roads were entrusted to the Public Works Department and thus came under the control of a single agency. The district boards would then be left to look after village roads and roads solely within their own jurisdiction.

The discussion then came to a close.

SUBJECT 23.—EDUCATION AND LOCAL BOARDS.

Note.—For the notes on this subject see pages 73—76.

Mr. Braidwood observed, with reference to the Secretariat note on his suggestion to take away educational business from local boards, that in the present circumstances the supervision of education in local fund areas was not efficient. If the policy of Government was to secure efficiency, he would leave it to Government to lay down such remedy as they might consider necessary with the respectful suggestion that action in this matter might well be expedited.

His Excellency remarked that perhaps the most important point in the Secretariat note was the indication of the policy of Government and in particular the reference to the scheme now under consideration for appointing a district inspector of schools for each district. Under this scheme the inspector would himself be in close touch with the Collector and his subordinates would enjoy similar relations with the Collector's subordinates. That being the direction in which policy was tending, no further discussion seemed necessary.

SUBJECT 24.—POLICE REALLOCATION SCHEME

AND

SUBJECT 25.—DISTRICT MAGISTRATES AND CRIMINAL ADMINISTRATION.

Note.—For the notes on these subjects see pages 77—89.

The Hon'ble Mr. Gillman referred to two main facts which had to be faced in the matter of the police administration. One was that crime was undoubtedly increasing and the other that, so far as the statistics showed, detection was decreasing. The increase of crime, it might be safely said, had very little connection with the re-organization of the Police Department. Crime was increasing all over India and what was most responsible for this was certainly the increase in the prices of food-stuffs. That factor was mentioned in the police administration reports every year and was beyond question the main operative cause.

As to the reduction in detection *Mr. Gillman* observed, from his experience both as District Magistrate and as Inspector-General of Police, that about 75 per cent. of the detected cases were detected before the police came to the scene at all. The detection was made by villagers themselves; all that the police had to do was to present the village case and owing to the existing higher class of investigating officer the village case was undoubtedly presented with fewer "improvements" than before. *Mr. Gillman* regarded it as very important for the detection of crime that the village magistracy should be kept under closer supervision by the magistrates of the district, and the magistracy in his opinion did not seem to be sufficiently alive to their responsibility in this matter.

It must be admitted that so far as the average sub-inspector was concerned, he had not done very much more than present the village case. It was, however, too soon to pass a final judgment in this matter, because it was only eight years since these appointments had been created and the sub-inspectors had been subjected to several drawbacks. At the outset a very great number—about 200—had to be recruited every year and inevitably there was some chaff among them, but the chaff had now been weeded out; fewer men were being recruited and the staff was growing steadily better. Again, the sub-inspector not only suffered to a considerable extent from contamination with the old head constable, who had his ways and manuels, but also in a heavy station had more work than he could properly manage. He had to discriminate between cases and sometimes made mistakes, while his labours were much increased by the large amount of court work to be done. For the reason last mentioned the question of increasing the prosecuting staff was under consideration and *Mr. Gillman* had no doubt that increase was very necessary. So far, the average sub-inspector had not shown great detective ability though there were a few exceptions. Apart from the need for ability of that kind, the great desideratum was honesty in putting up the cases presented to the courts.

The remedy for the present shortcomings did not consist in an increase in the number of police stations, for in *Mr. Gillman's* opinion extra police stations did not connote decrease of crime. The more limited the number of police stations the less likely was it that crime such as petty thefts, etc., which ought not to reach beyond the jurisdiction of the village magistrate, would be brought unnecessarily on to the station criminal registers. It seemed, however, very advisable to increase the importance of the village magistrate and the villagers' sense of their responsibility. A further remedy was to be found in the gradual improvement of the sub-inspector and his work, on which, as already pointed out, it was premature to pronounce any final opinion.

Mr. Aziz-ud-din agreed with *Mr. Gillman* in regarding the present staff of sub-inspectors of police as a decided improvement on the old station-house officers. He thought, however, that detective ability was born and not made. In the early stages of the introduction of the police re-organization scheme sub-inspectors were much misguided by the old station-house officers whom their appointment had reduced to the status of head constables, but, as *Mr. Gillman* had observed, matters were now improving.

With regard to *Mr. Innes'* reference to the absence of village police in Malabar, *Mr. Aziz-ud-din* stated that, during the five years when he was District Magistrate of South Canara, a charge similar to Malabar in many ways, he felt the same want and considered it a serious matter that there should be no organization to give information to the village magistrates as to what was going on in the village. He accordingly submitted to Government proposals for the formation of a village police in the South Canara district. This system was sanctioned by Government and Sir Arthur Lawley, when he visited South Canara, was satisfied that the district had been provided with a useful band of village police.

In respect of the growth of crime, the state of things existing in South Canara was similar to that obtaining in Malabar and *Mr. Aziz-ud-din* attributed this to the advent of the west coast railway, which took away their bread from the Mappillas, who had previously been in the habit of earning their livelihood by plying boats. In order to remedy matters by providing regular labour for them, *Mr. Aziz-ud-din* submitted to Government a scheme on the same lines as the settlement of the Vepur Paraiyas in South Arcot. His scheme was accepted, but as he had left the district before receipt of the sanction of Government, he had no personal knowledge of the outcome. The Government had been pleased to say, however, that, if the scheme was properly worked, it should be a source of great benefit to the Mappilla community. The reason why the Mappilla was so troublesome was that his jenmi did not provide him with sustenance and left him a beggar at the end of all his labours. Hence the necessity to devise special schemes for the provision of proper livelihood for that section of the west coast population.

The Hon'ble Mr. Bedford agreed with *Mr. Gillman* as to the importance of securing the co-operation of the village officers in regard to the reporting and putting down of crime. For this purpose what was needed was encouragement, not simply fault-finding. While he was in the Salem district, he had observed that village officers were constantly being reported for punishment, but hardly ever recommended for rewards. The existing orders were, he thought, all that could be desired; what was wanted was that they should be carried out in a proper spirit.

Mr. Wood expressed concurrence, remarking that as a rule the police took credit to themselves for good work done by village officers, while, if anything went wrong, the police threw the blame on the village officers.

If the increase of crime was caused by high prices, it was also in his opinion largely due to the decrease of police stations. Thefts, cattle thefts and house-breakings were the true test whether crime was increasing or decreasing. Grave offences like dacoities were committed by organized gangs and when these gangs were broken up the dacoities stopped until similar gangs came into existence. On the other hand, house-breakings and thefts were chiefly the work of the criminal tribes of which so little was yet known and the numbers of these crimes appeared to vary, not so much with the rise and fall of prices, as with reference to the degree of guard and check kept upon the criminal tribes concerned. Since the number of stations had been reduced in the Tanjore district from 76 to 33, there had been an increase of about 400 cases of theft, robbery and house-breaking and the number was steadily increasing, especially in the frontier areas, where the Koravars from Trichinopoly, Pudukkottai and Karaikal could easily enter but could not be properly checked owing to the absence of police stations in those areas. *Mr. Wood* quoted two instances, one near Kuttalam and the other on the Karaikal frontier, where crime was stopped by the location of temporary outposts. It was not so much a question of the detection of crime as of its prevention and there was no doubt that the presence of the police in rural areas was a very powerful preventive. It would not be difficult to increase the number of stations without any extra expenditure by dividing up the present stations.

At present, wherever there were two sub-inspectors in the same station, jealousies sprang up and so far from the sub-inspectors trying to help each other, they were often intent on spoiling each other's cases. There was a very wide-spread feeling that they did better when there were not two of them together. If such doubly manned stations were split up and the total number of stations thus increased, a big step would be taken towards the prevention of crime.

As regards the responsibility of village magistrates for stopping crime, Mr. Wood observed that these officials with their present small powers of punishment could not possibly prevent petty offences. It was absurd to suppose that such offences would be referred to a police station often 10 to 15 miles away; and even if they were, the police would refuse to deal with such cases. The result was that petty crime developed until graver crime ensued. Moveable police outposts, placed for a few months in any centre where petty crime was increasing, would be useful; but the increase of the powers of the village magistrates would probably go further towards really dealing with the difficulty.

The Hon'ble Sir Harold Stuart remarked that this suggestion was rather a magisterial than a police question. The present discussion related to the village headman's functions as a reporting officer and he would observe that Mr. Gillman was mistaken in assuming that Government did not desire petty crimes to be reported to the police.

Mr. Banerji associated himself with Mr. Wood's remarks as regards the general defects of the re-allocation scheme. He observed that in Cuddapah, since the re-allocation was introduced, grave crime and crime against property had increased and detection work had suffered. So far as that district was concerned, a slight re-adjustment of police stations and the establishment of temporary outposts, which would not involve any extra expenditure, would create a greater sense of security to the people and prevention would at the same time become easier.

As to the detective work of sub-inspectors, it was generally the case that they were not up to the mark. When put in charge of police stations they were apt to think themselves far superior to the police officers under them and to treat the latter contemptuously with the result that they were not able to secure the willing co-operation which was so very necessary in the matter of detection work. This difficulty, which was created by the sub-inspectors themselves, could be avoided by making the sub-inspectors treat the head constables with a little more consideration and by allowing deserving head constables to be appointed as sub-inspectors whenever possible. This aspect of the case was well worth considering.

Mr. Young discussed the effect of the re-allocation scheme in the Nilgiris, premising that the district was small and crime very light as compared with other districts.

Before the re-allocation there were eleven stations and one outpost. There were now nine stations and three outposts and even this number was considered by the District Superintendent of Police to be too large. That officer had suggested that one station should be converted into an outpost, and Mr. Young himself was considering the matter, though doubtful whether he could support the suggestion.

As regards sub-inspectors of police, in his experience the present set were more honest than the old station-house officers and on the whole doing better work.

Village munsifs, he thought, should be only a reporting agency as under the present rules and he would be much opposed to any idea of giving them more to do in the way of investigation.

Mr. Cumming restricted his observations to the question of the relative shares of the police and the village magistrate in the matter of the detection of crime. His experience in the Coimbatore district confirmed Mr. Gillman's remark, viz., that 75 per cent. of the cases that came up were probably detected before the police came in. Mr. Coleridge, Additional Sessions Judge of Coimbatore, had after an experience of about six months of sessions work in the district informed him that he had not found a single instance in which the police had added any evidence of value to the prosecution case by their investigation; the cases had stood or fallen on the village magistrate's reports, on dying declarations or on depositions taken by magistrates.

Mr. Cumming had, however, no wish to disparage the work of the police and agreed with Mr. Gillman that the present scheme must be given a further chance before it was condemned.

The Hon'ble Sir Harold Stuart made the following observations on the subject, which, he said, District Magistrates might well bear in mind when making suggestions for the improvement of the police administration in their districts.

Prior to the Police Commission the position in the Madras Presidency was that there were no sub-inspectors, while all the other provinces in India employed that class of officers. Under the old system the station-house officers, who were of the grade of head constables, were very corrupt and the Police Commission introduced in this Presidency a most important reform by creating the class of sub-inspectors to take the place of the old station-house officers. The cost of this measure was very great; it would have been impossible to provide a sub-inspector for each of the many police stations that existed in Madras before the Commission reported and the number had therefore to be reduced.

Perhaps District Magistrates and also the public had been misled by the reduction in the number of police stations. It was not the number of these stations that mattered but the area and the crime which had to be dealt with. The average area for the whole of India adopted by the Police Commission for each station was 150 square miles, which gave roughly a radius of about seven miles. In Malabar the area before the reforms was 55 square miles, or a radius of about $4\frac{1}{2}$ miles, while it was now 121 square miles, or a radius of $6\frac{1}{2}$ miles. That is to say, there had been an increase of only two miles in the length of the radius. It was true that the station areas were not perfect circles but the radius did give a fair indication of the average distance to be travelled to reach the station-house. These facts should be borne in mind in suggesting any increase in the number of police stations. The Government could not embark without good reasons upon a large increase in the number of sub-inspectors in charge of stations; they had already under consideration proposals for increasing the pay of the police which would involve a very considerable addition to the present expenditure and they could not afford to increase the cost of the police much more. The cost was at least 100 per cent. greater now than it was when the Commission reported.

As regards crime, Sir Harold Stuart pointed out that every police administration report showed clearly that, as prices increased, crime also increased, and that a decrease in prices had been accompanied by a reduction in crime. He quoted figures from the report for 1914 to illustrate this. There had also been some increase in population, which should be taken into account.

Turning to Mr. Innes' note, he pointed out that the District Magistrates' remarks on the annual administration reports were not made public; they were always treated as confidential and were not included in the copies placed on the Editors' Table. Mr. Innes had already corrected his mistake about statistics of cognizable crime. As regards the Karuvarakundu case to which Mr. Innes referred in his note, it was no doubt true that, if petty crimes were left unreported, they would develop into lawlessness and turbulence, but it was not clear why in that particular instance the District Superintendent of Police did not discover that petty crime was increasing. If it was known to the gentleman mentioned by Mr. Innes, it should have been known to the police. Evidently the reporting officers failed to do their duty. Again, in the instance referred to by Mr. Innes at the bottom of page 86 of the printed collection of notes the Superintendent or Assistant Superintendent of Police failed to insist on the investigation of the cases quoted being proceeded with vigorously. There was sufficient machinery to enable the Superintendent of Police to acquaint himself with the progress of every case within his district. Daily reports went from the station-house officer to the Superintendent or Assistant Superintendent of Police as to the work done in the station and the superior officer had to keep a register showing every crime within his charge. It was his duty to examine the register at least once a week and see that every case was being investigated properly. There might be neglect on his part to draw the attention of the officer concerned to the failure to push on investigation, but that might happen, whether the area of the police station was 50 or 250 square miles.

Sir Harold Stuart then said it would be convenient to consider along with this subject the relations between the magistracy and the police, *i.e.*, the questions raised in subject No. 25 (**District Magistrates and criminal administration**). The District Magistrate who took a real interest in the criminal administration of his district was likely to produce the best results. In the Punjab it was the duty of the District Superintendent of Police to lay before the District Magistrate a daily report of the crime of the district, but in Madras many district magistrates only heard about crime in their districts—except perhaps grave crime—once a year. They did not know anything about the broad features of crime and police work except when they dealt with the annual administration reports of the Superintendent of Police. The opinion of the Conference was invited as to whether steps should not be taken to bring the District Magistrate into closer touch with police work. In the United Provinces the Magistrate was brought into close touch with the police by means of daily reports and frequent visits and weekly letters and was thus able to watch whether the detection and prevention of crime were satisfactory and whether crime in the district was increasing or decreasing. The following extracts from the United Provinces Police Manual showed the intimate connection between the District Superintendent of Police and the District Magistrate and the manner in which the latter was expected to be kept in touch with everything of a criminal nature that passed:—

"Whenever the Magistrate of the District and District Superintendent are together in station or camp, the District Superintendent will arrange with the Magistrate to see him at least once a day, either at court or at the Magistrate's own house, whichever may be the more convenient. This interview should ordinarily be made immediately after the District Superintendent has heard the reports for the day. He shall give the Magistrate of the district an abstract in English of all crime reported and all other matters of importance in the subjoined form; he should verbally give the Magistrate all particulars, inform him of the orders he has passed, and consult with him as to the necessity for any further action being taken. He should take this opportunity of bringing to the notice of the Magistrate localities where crime has lately become more rife than usual, names of landholders who have failed in the due performance of police duties; inform him of all proposed transfers, promotions, and appointments of the police; tell the Magistrate the result of police investigation in all grave pending cases, and consult as to what more is necessary to be done. In fact, there is nothing connected with the police administration of which he should not keep the Magistrate promptly and strictly informed; and he is invariably bound to be guided by the advice of the Magistrate and to carry out his wishes and orders.

"In addition to seeing the Magistrate once during the day, the District Superintendent, on receiving the express report of a grave heinous offence, such as murder, a heavy dacoity or a professional poisoning case, etc., will at once send intimation to the Magistrate of what has occurred, and of the action he has taken; and, if possible, it is better he should himself go and personally consult the Magistrate as to what he should do in the case. It is absolutely necessary that this information should be promptly given, or otherwise the value of reporting to the Magistrate at all is in a great measure weakened.

"The District Superintendent will bear in mind that the more intimate and frequent communication there is between the Magistrate and himself, the more likely is the police administration to be successful.

"The District Superintendent when away from headquarters should still, by demi-official communication, keep the Magistrate informed of his proceedings, briefly noting the result of his observation of matters affecting generally the police administration of the district.

"The District Superintendent of Police shall keep up daily, whether at headquarters or in the district and with his own hand, the English register of crime."

The opinion of the Conference was desired as to whether the introduction of a system of the same kind into this Presidency was not desirable.

As Mr. Gillman had pointed out, the class of sub-inspectors of police recruited in the beginning was not up to the standard required owing to the large number which had to be recruited, but as the recruitment reached a normal level, there was every hope of getting a better stamp of man.

Mr. Aziz-ud-din had said very few of the sub-inspectors were first-class detectives. There were very few first-class detectives in any police force. The change in the system had gone far to secure men of a better class and higher character than the old corrupt head constables and detection would improve with experience. Under the old system the head constable was accompanied by several constables and used to take

bribes in the course of his investigation and distribute the money among his companions, but under the present system the sub-inspector went to the scene of crime accompanied by only one constable and made the enquiries himself; the constable got nothing. There was, therefore, a great deal of discontent which had undoubtedly hindered the work of sub-inspectors; but this would disappear as new men came in.

With reference to Mr. Banerji's remark about the promotion of head constables to the position of sub-inspector, Sir Harold Stuart mentioned that the rule was that 15 per cent. of the vacancies in the rank of sub-inspector might be given to head constables and appointments to the maximum limit had hitherto been given to them.

As regards the question of rewards to village officers, Mr. Bedford had implied that very few village magistrates were recommended for rewards in the Salem district, but taking the Presidency as a whole there had been a steady improvement in the recognition of the aid given both by the village officers and by the public, as could be seen from the fact that the total amount of the rewards paid in 1914 amounted to Rs. 10,600, while it was Rs. 6,160 in 1913 and Rs. 2,000 in 1912.* This matter was constantly noticed in the reviews of the police administration reports and the Inspector-General did impress upon Superintendents the necessity for such recognition. Mr. Bedford had complained that no notice was taken of the recommendations which he made on this subject year after year in his remarks on the Police Superintendent's administration report, but what was the District Magistrate doing throughout the year that he failed to notice that rewards were not being paid properly? It afforded an apt illustration of the Magistrate's ignorance of what was going on in the police administration.

The interesting information given by Mr. Wood about the difficulties in stations with two sub-inspectors would receive very careful consideration. A station with a single sub-inspector, however, was not looked upon in the North of India as desirable for the reason that, when two important crimes were reported within a short time of one another, only one of them could be investigated by the sub-inspector while the other must be left to the head constable, which was not desirable. It would, therefore, ordinarily be preferable to have two sub-inspectors, but Mr. Wood's observations about rivalry and quarrels deserved careful consideration.

Sir Harold Stuart could not altogether accept Mr. Wood's proposition that the greater the number of stations the less was the crime, for Ootacamund, where the Conference was sitting, with a large police force had a high crime rate. He would ask District Magistrates to remember that the re-allocation was not to be regarded as absolutely fixed and unalterable and that Government would always be glad to consider any modifications in the present arrangements, provided that the proposals did not involve additional expenditure which, in view of the present financial stringency, could not be admitted. If, however, District Magistrates would look into the question closely, they would probably find, as Mr. Young had observed in the case of his district, that there were too many stations in some parts of the district, and that the need for extra police in the other parts could be met by transferring stations.

Mr. Braidwood believed that the increase of crime was mainly due in the first place to high prices, as demonstrated by Sir Harold Stuart, and in the second place to better reporting. He did not assent to the view that the increase was attributable to a reduction in the number of police stations, as had been suggested by some speakers.

Decrease in detection Mr. Braidwood attributed to the following causes among others:—

- (i) Lack of detective experience in sub-inspectors.
- (ii) The abandonment of the unscrupulous methods of the old head constables.

* The following figures give separate particulars of the amounts disbursed to village officers:—

									RS.
1914	..	..	..	..	..	..	..	..	3,064
1913	..	..	..	..	..	..	..	..	2,744
1912	..	..	..	..	..	..	..	..	1,199

(iii) The unwillingness of sub-magistrates to convict in true cases.—It was worth while looking into the question whether this tendency was on the increase or not. In Mr. Braidwood's opinion sub-magistrates frequently discharged or acquitted police cases wrongly. District Magistrates could only detect such errors by looking into the calendars, but it was impossible to scrutinize all of them closely for want of time and District Magistrates could not take up every case in which there had been a wrongful discharge or acquittal. The Government also as a rule refused to appeal against acquittals, because they were usually guided by the opinion of the public prosecutor, who, sometimes for inadequate reasons, did not advise appeal.

(iv) Want of co-operation by village magistrates. This was due mainly to the failure of the police to conciliate the village officials. No doubt village magistrates and talaiyaris sometimes delayed reporting cases, but the police, and especially sub-inspectors, must be conciliatory towards village magistrates, who were at present frequently treated with disrespect by sub-inspectors, to whom they should be regarded as superiors in status. Even Superintendents of Police sometimes failed to conciliate village magistrates as they ought to do. Under Police Order No. 101 the Police Superintendent was required to visit villages and get acquainted with village magistrates but this order was sometimes neglected.

It had been stated that rewards should be increased. This seemed very desirable. One Superintendent of Police under Mr. Braidwood was in the habit of looking into the case files of the previous year during the course of his inspections of police stations and paying rewards on the spot, if it was within his power, to village servants and other persons shown to have done good work in the matter of assisting in the detection of crime. This idea was worth recommending to other superintendents.

One cause of the increase of crime was to be found in the circumstance that the police got disheartened owing to their large number of failures in security cases. District Magistrates could prevent this state of affairs by going through the calendars in security cases and passing remarks on orders of discharge, if not justified. In 1911 and 1912 Mr. Braidwood himself had found it possible by this procedure largely to increase the percentage of convictions in security cases in Kistna district.

With reference to Sir Harold Stuart's suggestion that District Magistrates might receive a daily report of crime from the Superintendent of Police as in Northern India, the point for consideration was whether District Magistrates in heavy districts could find time to go through such daily reports. Unlike the north of India, districts in the Madras Presidency were very large; District Magistrates here had already more than enough to do, and any new addition to their work was to be deprecated. Perhaps the scrutiny of such daily reports might degenerate into a matter of routine and even be left to a clerk. Superintendents of Police might preferably be asked to make their diaries fuller than at present and to include in them information which would enable the District Magistrate to watch the state of crime in the district.

As regards the absence of corruption among sub-inspectors of police, it had been said with truth that the present staff was far less corrupt, but Mr. Braidwood had been informed by an experienced Superintendent that a sub-inspector usually had to pay money out of his own pocket in order to induce the prosecution witnesses to give true evidence and prevent them from receiving bribes from the accused. He did not know whether that was generally the case.

There seemed further to be a strong bias against the Police Department, not only among the public, but also among Government officers themselves, who were loth to send their sons into the police on the ground that they would become infected with the corruption believed to be prevalent in the department and so be ruined. This, however, was an old-fashioned prejudice, which should gradually die out, as the reputation of the department improved.

Mr. Hemingway doubted whether much help could be expected from village headmen in the investigation of crime. The duties of village headmen were rightly restricted to reporting to the police at the earliest possible moment the exact information received, but in practice many cases were ruined *ab initio* by attempts on their part (sometimes *bonâ fide*, sometimes not) to interfere in investigation and by the introduction into their first reports ("the earliest record in the case") of matter

different from the information first received by them. The same sort of difficulty faced police officers investigating offences which had been described as "detected by the ryots". The fact was that most of the concoction that went on in the country was done, not by police officers, but by the villagers; and an honest policeman often found himself in the position of having to decide to prosecute a case on lines different from those put up by the complainant and the villagers and thus risk almost certain failure, instead of accepting the easily proved but completely false version put up by the villagers. The alleged fall in detection might in part be due to such causes. The increase in crime might partly be caused by the popularity of the new police agency, since it was well known that many offences were never reported at all and ryots were more disposed to report to popular police officers in whom they had confidence.

Mr. Innes' suggestion for the additions to the prosecuting staff had Mr. Hemingway's support for the reason that much of the time of the sub-inspector was now taken up with the prosecution of cases in court.

Mr. Paddison had heard that the educational standard of the sub-inspectors had gone down since the scheme was first started and thought that, if this was the fact, the reasons for it required investigation.

The Hon'ble Mr. Todhunter called attention to a statement in the police administration report for 1914 regarding the inferior educational qualifications of the sub-inspectors at the Vellore school. He suggested that rather much was being asked of them and that some inspectors, being relieved of the investigation of cases themselves, were not assisting sub-inspectors in their investigations as they ought. Sub-inspectors, perhaps, might further be relieved of a good deal of work if sub-magistrates were prohibited from making references under section 156 (3) of the Criminal Procedure Code except with the approval of a superior court, and if a wider discretion were allowed in the matter of refusal of investigation under section 157. There would be an improvement in the statistics from the police point of view if the orders of sub-magistrates on police reports, which formed the basis of the classification of cases as "true", "false", etc., were more carefully scrutinized. In conclusion Mr. Todhunter suggested the abolition of the return attached to the district police reports in which village magistrates were classified as "good", "bad" and "indifferent", and mentioned that his personal practice as a District Magistrate had been to have a weekly interview with the District Superintendent of Police when both were at headquarters.

Mr. Innes observed, on the subject of magistrates keeping in close touch with the Police, that the circumstances in the United Provinces were different from those in Madras. In the United Provinces the districts were small and Magistrates had time to see their District Superintendents of Police frequently, but in Madras the districts were very large and the District Magistrate's work was very heavy. Mr. Innes, however, did not admit that there was a complete divorce here between the District Magistrate and the police. He himself was certainly in very close touch with the Superintendent of South Malabar, and there was frequent demi-official correspondence between them regarding the state of crime in the district. He thought, however, that monthly returns of grave crimes might usefully be introduced.

Mr. Todhunter had raised the question of the classification of village officers by the police. Mr. Innes objected strongly to this system. He thought that it served no useful purpose whatever, and only recently he had drawn the attention of the District Superintendent of South Malabar to the absurd remarks ("greedy", "useless" and the like) made by a newly joined sub-inspector on quite a good lot of *adikaris*. The system should be abolished.

Mr. Innes next supported Mr. Wood's suggestion to increase the powers of village magistrates. One reason why village magistrates did so little criminal case work in Malabar was that their powers were so limited. The stocks were not in use, and the punishments inflicted were usually two or three hours' imprisonment in the *amsam* *outcherry*. He would like to see a village magistrate empowered to fine up to Rs. 5.

He demurred altogether to the view that village magistrates should be associated more freely with the investigation of cases. In Malabar the aim had been to get village magistrates merely to discharge their duties under section 45 of the Criminal Procedure Code, *i.e.*, forthwith to report any information they might receive about grave crime. As it was, *adikaris* were too prone to waste time in proceeding to the

scene of the crime, and making their own investigations, a course of action which delayed the arrival of the regular police.

Mr. Todhunter had asked whether the Conference was in favour of the police making more use of their powers under section 157 of the Criminal Procedure Code. Some superintendents favoured refusal of investigation, while others thought that all complaints should be investigated and false ones followed up by prosecution under section 211 of the Indian Penal Code. Mr. Innes had heard the question often discussed. He understood that experience had been gained of the latter policy in Salem and Tinnevely and that according to the general opinion it was not altogether a success, having been found to cause more work and to lead to little result. Provided that the cases were registered and shown in the returns, he saw no objection to the police refusing investigation in unimportant cases in which the property was unidentifiable and there was no hope of detection.

Mr. Innes concluded by again drawing attention to his suggestion that the practical training of sub-inspectors should be made longer and that there should be a rigorous elimination of the unfit.

Mr. Aziz-ud-din said that he used to keep in touch with the course of crime in his district by calling on the District Superintendent of Police to furnish him with monthly lists of "black" villages, i.e., villages where more than one house-breaking had occurred or where there had been occurrence of other grave crime. Wherever crime was increasing, he issued warnings to the village magistrates concerned that they would be held responsible if they did not prevent it. Detection by village magistrates was impossible, and they should not be expected to co-operate with the police in the matter of detection. They could, however, do a great deal towards the prevention of crime and should be held responsible for that. This procedure had a very good effect, since the village magistrates knew that the District Magistrate was keeping an eye on them.

Mr. Aziz-ud-din also watched the course of crime by requiring the District Superintendent to make reports to him of every serious dacoity, on receipt of which the village talaiyaris were directed to co-operate with the police and patrol the area concerned.

Another factor tending to the diminution of crime in the South Arcot district was the establishment of settlements for criminal tribes, a measure to which Mr. Aziz-ud-din attached great importance, adapted as it was not only to reduce crime but also to convert the members of criminal tribes into useful subjects of the Crown.

In concluding the discussion *the Hon'ble Sir Harold Stuart* said that, owing to the present financial stringency, it would be difficult to give more police stations, but that District Magistrates might consider proposals for re-arrangement of the existing stations. It was not claimed for the re-allocation that it was perfect, nor need it be regarded as final. The opinion of several District Magistrates seemed to be that the introduction of the system of the United Provinces already referred to would greatly add to their work, but Sir Harold Stuart pointed out that in Malabar the District Magistrate and the Superintendent of Police had found no difficulty in maintaining very close relations and what was possible in Malabar, one of the heaviest district, should be possible elsewhere. He did not propose to introduce the United Provinces rules bodily; he had referred to them only in order to show what had been done in other provinces and to encourage District Magistrates in this Presidency to keep more in touch with the police than at present. He regarded it as a matter of special importance that they should be fully acquainted with the general state of crime and detection in their districts.

Mr. Braidwood, referring to Mr. Hemingway's and Mr. Innes' remarks as to the prohibition restricting village magistrates from investigating crime, explained that he had not suggested that village magistrates should investigate any more than they did at present, but in his opinion they might be made more useful in preventing crime by giving the police information of suspects, strangers and criminal gangs, by promptness in reporting and by the efficient discharge of their various preventive duties, as laid down in the Village Officers' Manual.

His Excellency then brought the proceedings to a close with a general reference to the interesting nature of the discussion which had been elicited by Mr. Innes' note.

SUBJECT 26.—PROVISION OF LAND FOR THE SETTLEMENT OF CRIMINAL TRIBES.

Note.—For the notes on this subject see page 91.

The Hon'ble Sir Harold Stuart explained that this subject had been included in the Agenda mainly with a view to ascertaining whether there were sites available in districts which could be used for the settlement of criminal tribes. It was information on this point that was in request.

The Hon'ble Mr. Gillman, who had recently examined a similar question in connection with a proposal to set aside land for grant on favourable terms to Indian soldiers returning from the war, said that several thousands of acres, all dry land, were available in reserved forests in the Adoni taluk of the Bellary district near Kosgi. Reserves in other districts also containing good cultivable land would shortly be proposed for disafforestation. He mentioned in particular a reserve north of Tiruvannamalai in the North Arcot district, and others in South Arcot including a good tank-bed near Tindivanam.

Mr. Paddison knew of suitable land in Madura near the Periyar.

Mr. Cumming mentioned a large block of reserve north-west of Mettupalaiyam where there was a considerable amount of good land suitable for cultivation. This was very conveniently situated for purposes of inspection, being near to a railway station. A large extent being covered with prickly-pear would also give employment to any criminal tribe located there.

Mr. Macmichael referred to a block of arable land in Chatrapur in the Ganjam district over 600 acres in extent and containing a small tank, which, if extended, would probably irrigate 50 to 100 acres of wet land.

Mr. Wood knew of land available about five miles from Tanjore, namely, some 1,500 acres of forest reserve which it was now proposed to abandon. There were also fairly large areas of marshy land, which the Public Works Department hoped to bring under cultivation by improving the drainage.

The Hon'ble Sir Harold Stuart said that it would be useful if Collectors would bear the subject in mind and report to Government from time to time whether there were any sites available for the settlement of criminal tribes. Such sites should not be far away from the railway and it was also desirable that they should include both dry and wet land; and if there was any work in the neighbourhood on which settlers could be employed while waiting for the first crop, that would be an additional advantage.

The discussion then closed.

SUBJECT 27.—RAILWAY TERMINAL TAX.

Note.—For the notes on this subject see page 93.

Mr. Wood, in introducing this subject, said that one of the greatest difficulties at the present time was how to raise funds in municipalities for the various big drainage and water-supply schemes which were on the *tapis*. He considered it essential to keep taxation as low as possible, and to do this it was necessary to find as broad a basis for new taxation as possible. A railway station tax of three pies leviable on each passenger alighting at or starting from a municipal station would give the municipalities in the Tanjore district an extra income of from Rs. 17,000 to Rs. 30,000, which would provide enough money for interest and sinking fund on loans up to five or six lakhs of rupees, and enable the municipal councils to finance their various improvements without hardship to anybody. The tax had the further advantage of securing a contribution towards the expenses of municipal administration from people who did not live within a municipality but nevertheless reaped many advantages from its existence, and enjoyed all the benefits of its amenities when they came in on a visit.

Mr. Braidwood, in supporting *Mr. Wood*, said that much the same proposal was put forward by the municipality and the ratepayers' association of Tirupati in their address to His Excellency when he recently visited the Chittoor district. *Mr. Braidwood* presumed that that suggestion would be considered by Government though he observed that it had originally been put forward two years ago and no orders of Government had yet been issued. A similar tax had been in force for several years in Calcutta and Hardwar and *Mr. Braidwood* thought that it would be especially suitable for places like Tirupati to which a large number of pilgrims daily resorted. These people enjoyed all the sanitary and other advantages of municipal administration without contributing anything to the municipal funds.

Mr. Young observed that, though at first sight the tax seemed to be a very attractive way of raising money, there might be practical difficulty in the process of collection. This task would devolve on the railway companies, who would probably strongly object, as it would mean an extra charge for transport. It was also probable that people coming from short distances would raise objections; and that consideration ought to be taken into account before levying the proposed tax.

Mr. Braidwood said that as the tax was levied without difficulty in Calcutta and Hardwar, he saw no reason why its collection should involve difficulties elsewhere.

Mr. Aziz-ud-din referred to the fact that some years ago the Madras Government had themselves deprecated the taxation of the travelling public and suggested a reduction in the number of toll-gates. Moreover, the incidence of the proposed tax would fall heavily on places of religious pilgrimage, to which Hindus and Muhammadans resorted in large numbers, and the pilgrims—at any rate the Muhammadan pilgrims, he could not speak for Hindu pilgrims—would certainly view it as a tax on the performance of their religious duties. It would be very undesirable to create such a feeling. Again, although the tax was only three pies, it would have to be levied from the poor as well as the rich. During the time of Lord Ripon *Mr. Aziz-ud-din* had been entrusted with a special enquiry into the economic condition of the poorer classes in the Salem district and from the facts then elicited he was of the opinion that even three pies went a great way to mitigate the hardships of a poor family. If, however, it was intended that the poor should be exempt from this poll-tax, the consequential enquiries would be arduous and inquisitorial. He, therefore, considered that such a tax ought not to be imposed by any civilized Government.

Mr. Ramachandra Rao, speaking as a Hindu and with knowledge of pilgrims, thought that the tax would not be misunderstood by his community as an interference with their religious duties, as *Mr. Aziz-ud-din* apprehended. Municipal taxation had been raised in all possible ways and in his opinion the adoption of *Mr. Wood's* proposition was very desirable. But there were certain obvious limitations; for example, persons coming from a distance of less than fifty miles from a municipality should not be assessed. Again, it was only equitable that a person arriving at a municipal town should be called upon to pay the tax, as he enjoyed the benefits of the municipal administration; but there was certainly no reason why a person leaving a municipal area should be required to pay the tax.

Mr. Innes thought that, though obvious objections might be taken to the proposed terminal tax, it was perfectly clear that, with a higher standard of municipal government coming into existence, municipalities must find new sources of revenue. He, therefore, supported *Mr. Wood's* proposal as the most practical method of providing a municipality with fresh sources of revenue that had yet been put forward and he hoped that it would be adopted without any limitations or exceptions other than those suggested by *Mr. Wood*.

Mr. Braidwood added the remark that a tax which was levied in Calcutta could not properly be characterized as unfit for adoption by any civilized Government, as *Mr. Aziz-ud-din* had suggested.

The discussion then closed.

SUBJECT 28.—COLLECTOR AND THE PUBLIC WORKS DEPARTMENT.

Note.—For the notes on this subject see pages 95—96.

Mr. Banerji, in introducing the subject, said his object was to elicit the opinions of the officers present as to their personal experience of the working of the rules now regulating the relations of a Collector with the Public Works Department. If the result of the rules had been generally satisfactory, then, as Sir Harold Stuart had pointed out to him that morning, no useful purpose would be served by further discussion of the question. He would remark, however, that the suggestions put forward in his note were based on his firm conviction that their adoption would tend to improve matters.

Messrs. Marjoribanks, Young, Turing, Buckley, Innes and Moscardi all expressed the view that the present system and orders were quite satisfactory and that there was no reason for complaint.

Mr. Braidwood observed that there had been a marked improvement in the relations between the Public Works Department and the Revenue Department since the new orders were introduced and quoted instances in support of that view. When he was sub-collector at Rajahmundry from 1904 to 1908, it was quite the fashion for the Public Works and Revenue officers to disagree in official matters and even social relations were occasionally affected. When he was acting Collector of Kistna district from 1911 to 1913 after the new orders were issued, he had to deal with a large number of Public Works officers, but there was never a trace of friction. He attributed the change largely to the very loyal manner in which the Public Works officers carried out the instructions issued to them by Government.

There was no further discussion.

SUBJECT 29.—ROUTINE RETURNS AND REPORTS.

Note.—For the notes on this subject see page 97.

Mr. Banerji stated from his experience that returns and reports of a routine or statistical nature contributed very largely to the quantity of work to be done, especially as such returns had often to be sent back for explanation of trivial variations noticed from year to year, apart from the trouble caused by their original compilation. He would, therefore, deprecate any additions to the number of returns or to the columns of existing returns, and warmly encourage proposals to diminish their number and volume. The tendency of recent years, however, had been to increase returns, as was proved by the figures quoted in his printed note.

The Hon'ble Mr. Cardew having remarked that the most practical step would be for *Mr. Banerji* to examine his returns and then submit specific proposals for reducing them, *Mr. Banerji* replied that he was quite prepared to do so.

Mr. Marjoribanks suggested that, whenever new returns of general application were called for or existing ones altered, it should first be considered how the information required would have to be gathered. He referred to a specific instance within his recollection in which a new return was prescribed by Government without any indication as to the source from which the particulars desired should be obtained. As the procedure in such cases had to be uniform throughout the Presidency, it could not well be left to Collectors to regulate it each for his own district: and therefore he would suggest that instructions should always be issued as to the proper method of collecting the detailed information in issue. Recently Government had directed certain alterations in an irrigation return without making necessary consequential amendments in the village accounts and the result was that great difficulty had been experienced in compiling the requisite particulars.

The Hon'ble Mr. Cardew said that *Mr. Marjoribanks'* suggestion would be borne in mind, and the discussion then came to a close.

SUBJECT 30.—RECRUITMENT AND CONTROL OF SUB-MAGISTRATES

AND

SUBJECT 31.—CORRUPTION AMONG SUB-MAGISTRATES.

Note.—For the notes on these subjects see pages 99—102.

Mr. Banerji observed that *Mr. Hemingway's* note on the subject was based on the supposition that a sub-magistrate was easier to get rid of when acting than after he had been confirmed, but in *Mr. Banerji's* experience an acting sub-magistrate gave few chances of detection and often proved to be a wolf in sheep's clothing, who did not begin to disclose his misconduct until after confirmation. His note therefore laid stress on the difficulty of removing the permanent sub-magistrates, most of whom were men of bad character likely to do harm for another ten years, while under the present system the number of these unsatisfactory officers was likely to increase. It was for this reason that *Mr. Banerji* advocated a different system of recruitment for magisterial appointments and the investiture of Collectors with power to reduce a sub-magistrate to a ministerial post. The grant of such power would act as a wholesome check. At present it was impossible to get rid of a corrupt sub-magistrate without a laborious confidential enquiry into definite charges of corruption, which it was very difficult to substantiate owing to the disinclination of witnesses to come forward.

Mr. Aziz-ud-din remarked that whereas *Mr. Banerji's* note presupposed that the majority of sub-magistrates were corrupt, *Mr. Hemingway* seemed to be of opinion that only a small proportion took bribes. He himself thought the latter view nearer the truth but he could not endorse the artificial measures which *Mr. Hemingway* suggested for the elimination of bad bargains. He had no definite scheme to put forward, but desired to lay particular stress on the importance of care in the selection of incumbents of magisterial posts and would for that reason continue the present system of submitting the selected lists for the prior approval of the Board of Revenue. After their initial appointment sub-magistrates' conduct required to be carefully watched, but a Collector, who was sufficiently in touch with the people of his district to ascertain public opinion, ought to have no difficulty in learning the reputation of his sub-magistrates or in bringing to book those who were unsatisfactory servants of Government. *Mr. Aziz-ud-din* himself, as Collector of South Arcot, had found it possible, without any fuss or agitation, to procure the removal of three sub-magistrates and one tahsildar. His practice when he first went to a district was to make enquiries of the leading residents regarding the reputation of the sub-magistrates. He then sought for corroboration of their views by a prolonged scrutiny of the magisterial calendars submitted for his perusal, and, where it was forthcoming, gave a suspected officer specific warning that his reputation was bad and might lead to his ruin. Such a warning had in at least one instance been attended with good results, for the delinquent was reported to have reformed his ways. The chief point, in short, was to find out who was corrupt and to let him know that his conduct was being watched by the superior officer. This knowledge usually brought the offender to his senses.

* As regards *Mr. Banerji's* suggestion to dispense with the submission of lists of persons considered fit for sub-magistrate's posts for the approval of the Board and to initiate a system of recruiting sub-magistrates by direct appointment, *Mr. Aziz-ud-din* did not welcome any such innovation. One of his old benefactors (*Mr. Tremeneere*) had remarked that the administration of a district went wrong because one Collector was indifferent, the second sickly and the third entirely in the hands of

his sarishtadar. There might, it was true, be a minority of Collectors who gave great weight to the opinions of their sarishtadars, and, in such cases, if the sarishtadar happened to be a Brahman, the result was that the majority of sub-magistrates and tahsildars belonged to that community, while if he was not a Brahman most of the sub-magistrates and tahsildars would be found to be non-Brahmans. It was in circumstances like those that the Board exercised a moderating effect; when the lists were submitted the Board saw to it that each community was properly represented. That was why the present arrangement was satisfactory and *Mr. Aziz-ud-din* would on no account disturb it.*

Mr. Hemingway thought that however careful a sub-magistrate might be before confirmation, he was always in danger of giving way to temptation after confirmation, since his position made it possible for him to take very large bribes without the least danger of detection. As to *Mr. Aziz-ud-din's* remark that subordinates should be watched, Collectors and District Magistrates were not blind and in every district devoted much anxious care to watching their sub-magistrates. The difficulty however was to catch the men known to be dishonest; and though *Mr. Aziz-ud-din* was fortunate enough to convict three sub-magistrates and one tahsildar in four years—which would seem almost to have been a "record"—*Mr. Hemingway* would still maintain that in every district there would always be one or two, frequently three, men who were absolutely unfit to try cases on account of their corrupt habits but nevertheless could not be got rid of. He was not in love with his own proposals, which had certain obvious drawbacks, and would gladly welcome any alternative; but he submitted that the evil as it existed was far too serious to be set aside with a mere *non possumus*.

The Hon'ble Sir Harold Stuart believed that most Collectors and District Magistrates would agree with Messrs. Hemingway and Banerji that there was in every district a small number of corrupt sub-magistrates. In his own experience, which was fairly long, the degree of corruption had very greatly diminished and the solution of the evil admitted to exist should be found not in any such drastic measures as *Mr. Hemingway* proposed but only in the gradual improvement of the recruitment. Out of a total number of 309 sub-magistrates, 198 were graduates and as years went on there would be a better class of men for this office, with higher education, which meant also a higher moral standard. One objection to *Mr. Hemingway's* solution was that it would lead to a great uncertainty in the position of sub-magistrates and the office of sub-magistrate would be looked down upon, whereas it was exactly the opposite impression that ought to be created. It would also leave the tahsildars as a corrupt and degraded class, which would be a serious blot on our revenue administration. Though *Sir Harold Stuart* considered in the earlier part of his service that it would be quite safe to proceed on general reputation, he felt more and more doubtful, as he gained experience, whether that was a wise procedure, and was now convinced that it would in most cases be very dangerous. He would rather keep a corrupt magistrate in office than dismiss him on false cases. Referring to a recent instance of a sub-magistrate who was believed to be corrupt but who was recommended for dismissal on utterly false grounds, he said that he had resisted the temptation to dismiss him on those false charges. He also reminded the Conference of the case of a sub-judge who was notoriously corrupt and whose vakils rose against him and brought on a false case, on which he was convicted and sent to the Cannanore jail, where he died. That case had created a very bad impression among all the honest judicial officers, because they felt they were at the mercy of anyone bringing false cases. These were some of the considerations which must make everybody very careful in dealing with corrupt sub-magistrates upon evidence which fell considerably short of proof. If the recruitment of sub-magistrates was improved, improvement in the character would follow naturally, and not artificially, as would be the result of the suggestions that had been made. In conclusion, therefore, *Sir Harold Stuart* invited District Magistrates to suggest any practical measures in that direction.

Mr. Braidwood suggested that a few sub-magistrates should be recruited from a higher grade of officers instead of working their way up from the lowest rank. At

* These remarks which were actually made in the course of the discussion on subject No. 32—District confidential baraward—have been transferred to their appropriate place here.

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present probationary revenue inspectors were directly recruited to a certain extent and that principle might perhaps be extended, recruitment being made at a starting pay of Rs. 70 per mensem.

The Hon'ble Mr. Bedford referred to his experience in dealing with corruption among the magistracy in Tanjore, which had resulted in the elimination of no less than seven dishonest officers. In one instance he had been placed in a position of peculiar difficulty by the orders of Government requiring him to provide the delinquent with a post on the same pay but without magisterial duties. In that case corruption was held not to have been absolutely proved but the suspicion of its existence was so strong that removal from judicial office was considered essential. This raised what was often a practical issue of great moment to district officers, namely, what nature of proof did Government require as a ground for the dismissal of a sub-magistrate on the ground of corruption. Direct proof of such misconduct was practically unattainable and the evidence was almost always circumstantial.

The Hon'ble Mr. Cardew considered that the real subject for consideration was not so much how to deal with corrupt sub-magistrates as how to remedy and prevent the causes of corruption. He observed that Mr. Hemingway's proposal to stop corrupt sub-magistrates from getting on further would have a very bad effect in regard to the selection of deputy collectors, because the tahsildars from whose ranks deputy collectors were largely recruited, would be marked out as a corrupt class. The habit of corruption was generally acquired by sub-magistrates during the early stages of their service when they were on very small pay and therefore open to temptation; the best chance of improvement therefore was to try some change in the method of recruitment.

Under present conditions, subordinates entered Government service on Rs. 20 *per mensem*, except a few who began on Rs. 35 *per mensem*. When their pay was from Rs. 25 to Rs. 35, they were sent out as revenue inspectors, which involved much expense in travelling, besides giving much opportunity for corruption. It was at this stage that the habit of corruption was formed and it might therefore be desirable to endeavour to avoid this by enlisting sub-magistrates on a higher grade of pay. The present system of the division of the revenue service into upper and lower classes, which was settled in 1909 after much discussion, had not satisfied either the public or Collectors. The public wished to have the line of division drawn much higher. Under the present conditions there was hardly any decent opening for the son of a better class Indian. Unless such a man could obtain one of the very few and rare appointments as a deputy superintendent of police or in the gazetted ranks of the Forest Department or perhaps as a deputy collector, he had to approach the Collector and ask for an appointment on Rs. 20 or at the most Rs. 35 *per mensem*. Therefore, the best men went to the Law College, because they could find no opening in Government service except as clerks. What was wanted was that young men of decent family should be able to start on a fairly high initial salary. A second point was that if they did enter at the bottom of the service, they had to pass through a very long period on low pay, during which time they were liable to form habits of corruption.

The question, therefore, on which the opinion of Collectors was wanted was whether there would be insuperable objections to separating the class of sub-magistrates from the clerical class and enlisting sub-magistrates direct. Of course one objection would be that the young sub-magistrate would not have had any executive training, but that might perhaps be got over by a long period of probation, during which he might be given pay approximating to that of the sub-magistrate but rather less and required to spend a year in the Collector's office, a year as revenue inspector and a year in other branches of work. To put him through a long period of training would cost a certain amount of money because he could not go through the training on such low pay as Rs. 20 or even Rs. 35. Another objection would be that if a young man did not pass through the executive line he might regard himself as a petty criminal judge and would be inclined to look at criminal cases much in the same way as a sub-judge or a district munsif did and would have no sympathy with the executive and police. That was an objection no doubt, but if the sub-magistracy was to be improved, some of the difficulties arising out of their want of experience in the earlier stages of the service must be faced. The question was whether the advantages would be sufficient to outweigh disadvantages.

Another difficulty was in the effect which the direct recruitment of sub-magistrates might have on the rest of the Collector's establishment. It would obviously reduce the prospects of promotion, but for the present—at least for ten years—a portion of the sub-magistrates' appointments must continue to be filled by promotion from the clerical class, for it was not possible to disappoint all men now in the service. The proportion might perhaps be one-half. The question then arose whether ten years hence it would be possible to secure a fairly decent class of men for the Collector's clerical establishment, if they had no prospect of promotion beyond the clerical class on, say, Rs. 100 *per mensem* or, perhaps, an English head clerkship on Rs. 150. Doubtless this would prejudice the recruitment of that class. There was a further objection, namely, that sub-magistrates directly recruited would lack experience gained in the lower grades which would be of service to them later on as tahsildars and deputy collectors.

The Hon'ble Mr. Buckley here enquired if the sub-magistracy according to the plan suggested would continue to be the only avenue to the grade of tahsildar.

The Hon'ble Mr. Cardew replied that he did not propose any change in that respect. But for the present at least 50 per cent. of the tahsildars might be presumed to come from the class of sub-magistrates recruited from the lower ranks and thus possessing experience of revenue work. As to the future he could make no pronouncement. Reverting to the plan which he had put forward there were, he admitted, drawbacks as well as advantages and the practical issue was whether on a balance of considerations for and against "the game was worth the candle". It was not necessary to go into the *method* of selection now; that might be by competitive examination, limited in any way or open, by selection by a board, or by nomination.

The Hon'ble Mr. Bedford suggested that the corrupt practices of revenue inspectors constituted perhaps as serious a public evil as dishonesty in the magisterial ranks. Without wishing to oppose the plan put forward he feared that any arrangement restricting the prospects of the lower ranks and tending to keep revenue inspectors indefinitely in their posts might constitute a grave administrative danger.

The Hon'ble Mr. Cardew regarded the purity of criminal justice as the more important consideration, though Mr. Bedford's criticism was, he admitted, not without force.

Mr. Banerji desired in the first place to correct *Mr. Aziz-ud-din's* impression that he condemned all sub-magistrates. All that *Mr. Banerji* meant was that those sub-magistrates who were recruited in the manner referred to were generally corrupt and did very unsatisfactory work. To solve the problem, he would meet *Mr. Cardew* half-way by suggesting that future sub-magistrates should be recruited directly on a starting pay of at least Rs. 50. He was confident that they would turn out to be better bargains in the long run, if they had not to work up their way through preliminary lower ranks.

Mr. Turing said that one practical difficulty about recruiting the magistracy direct on high pay was the probationary period. Sub-magistrates were at present usually recruited from divisional head clerks and higher-paid clerks in the collectorate who had been under the eye of a gazetted officer. It was difficult during any probationary period to give a probationer duties as responsible as those which devolved on such clerks or as certain to bring him so closely into touch with a gazetted officer; and it was not possible to displace clerks with such experience and training by mere probationers. The special revenue inspectors now given direct appointments, even after their probationary period and training in different branches, were often found to have less knowledge of their work than clerks on the same pay who had been in responsible charges. Mr. Turing concluded, therefore, that the probationary period was a distinctly weak spot in the scheme.

Mr. Braidwood opined that direct appointments to the rank of sub-magistrate would affect the recruitment of clerks in the lower grades. Already there was the greatest difficulty in getting passed men for Rs. 20 posts, at any rate in backward

districts. The proposed proportion of 50 per cent. would probably be too high and might further adversely affect recruitment in the lower ranks. But that was a matter of detail which need not be considered now.

He then referred to the fact that Government had occasionally appointed revenue probationers on Rs. 70. He mentioned two instances of such appointments, one being a Singh in the Gōdāvari district and the other a Muhammadan in the Kistna district. The former, he had heard, proved a failure and the question of removing him was under consideration. The Muhammadan probationer had shown great promise at the outset and Mr. Turing could probably speak to his subsequent career.

Mr. Turing said the probationer in question was now being tried as Tahsildar and was not a bad officer, but suffered so severely from "swelled head" in consequence of his direct appointment that it was difficult to make anything of him.

Mr. Braidwood (continuing) said another point was that the present system of probationary revenue inspectors did not attract a good class of graduates, nearly all the honours men and first-class graduates turning towards the Law College. For a recent vacancy in Mr. Braidwood's own district there were 13 applicants all of whom were only third-class pass men.

Mr. Paddison drew the attention of the Conference to the fact that while in the last twenty years there had been an enormous improvement in the honesty of the revenue subordinates, there was not the same advance among sub-magistrates, the reason being that sub-magistrates supposed to be corrupt were not promoted to be tahsildars with the result that the men so left behind did the greatest harm. What was wanted was to get rid of such men and although Mr. Hemingway's methods of carrying out this result might not meet with the approval of Government, Mr. Paddison suggested that some plan ought to be devised by which unsatisfactory sub-magistrates could be more easily removed. Perhaps they might be allowed to retire on a proportionate pension if a Collector reported they were unfit for promotion. This would avoid their being continuously retained in a position where by taking bribes they brought the administration into contempt.

Mr. Aziz-ud-din supported the Hon'ble Mr. Cardew's proposal of direct recruitment, if not on any other ground, for the reason that it would bring more bread to the younger generation than at present. He suggested that for the time being at least 25 per cent. of the sub-magistrates and deputy tahsildars might be directly recruited, the remaining appointments being reserved for men already serving in the Revenue Department.

Mr. Hemingway said that in Canara he had met a probationary deputy tahsildar who appeared to be an excellent selection. If the difficulties of recruitment which had been pointed out could be got over and men of that quality could be taken in as probationary deputy tahsildars, then most of the evils now experienced would be avoided. Furthermore, at present a man reached the stage of deputy collector when rather too old, having done the best part of his work in the lower grades. This evil would be overcome by a system of recruiting deputy tahsildars direct, a plan which would result in securing younger deputy collectors.

Mr. Todhunter confirmed the statement of a former speaker as to the deterioration of the service which resulted from the lists being blocked by men who were barred from promotion. He regarded this as being in a measure due to delegation having been carried too far. The Collector, who had the interests of the whole district to consider and who had the best choice of candidates, had now only one-sixth of the initial appointments in his gift; no test at all was required for an initial appointment and divisional officers had been given the same powers of exemption as Collectors. As a consequence so many unpassed candidates had been employed that at more than one district conference further powers of exemption had been asked for. In Mr. Todhunter's opinion the remedy lay in the other direction. No man should be employed who could not produce a satisfactory secondary school-leaving certificate and the power of exemption should stop at the Collector.

A second block arose in the treasury and record branches, which were generally filled with men who had been tried as sub-magistrates and found wanting. The remedy was difficult. It did not lie in transferring unsatisfactory men to other districts, and reduction was generally undesirable.

In Mr. Todhunter's opinion the ultimate remedy was to be found in first-class stationary magistrates with summary powers, who could replace sub-magistrates without a very large increase in expense and relieve divisional magistrates. Appeals from them would lie, as the Government of India desired, to the Sessions Judge. He believed that the proportion of cases tried by first-class magistrates was very much higher in other provinces, where it was almost unheard of for a subordinate magistrate to commit a murder case to sessions. The very minuteness of the Madras scrutiny of calendars, which was unparalleled in other provinces, was a confession of mistrust of the subordinate magistracy.

Meanwhile he advocated a large extension of the system of probationary revenue inspectors. Provision had been made for increasing the pay and prospects and improving the training of men directly recruited in similar grades in the Police and Forest and other departments. The Revenue Department, though the most important of all, was always left to the last, because the large number of posts made changes so very expensive.

The discussion then came to a close.

SUBJECT 32.—THE DISTRICT CONFIDENTIAL BARAWARD.

Note.—For the notes on this subject see page 103.

Mr. Banerji said that, as he gathered that most of the Collectors present found the confidential register useful, he would merely urge that if any condemnation had to be noted against a subordinate, the entry should refer to specific official papers or orders. Unfavourable remarks could generally be substantiated by reference to definite proceedings or orders passed in the course of official correspondence. So long as the entries lacked precision, the register could not be of much use.

Mr. Braidwood, referring to the statement in *Mr. Banerji's* printed note that confidential entries were of little help towards the proper appreciation of the value of the district establishment and that it was on the whole better for a Collector to approach his staff with an open and unprejudiced mind, observed that according to his impression the average Collector was never unduly influenced by the views of his predecessors. He was rather apt to under-rate their opinions and so was not likely to be prejudiced by the remarks which they left in the confidential register. Nevertheless he considered the register to be helpful.

Mr. Turing said that as Collector of Kistna he had found his predecessor *Mr. Braidwood's* confidential notes of the greatest use.

Mr. Paddison thought there should be something on record to guide a Collector on coming new to a district. It might, for instance, be necessary to appoint a tahsildar immediately. At the same time it was, of course, essential to discriminate between the remarks of one's predecessors. And it might be one of the uses of a Conference like this that it would enable one to distinguish as to which Collectors' remarks were likely to be of value.

Mr. Aziz-ud-din considered the maintenance of a confidential register to be of great help in the administration of a district, but some Collectors did not record any opinions of their establishment for the reason that they placed no confidence in the system. *Mr. Aziz-ud-din's* own practice was not to refer to the register unless and until an occasion arose for the promotion or punishment of an officer. He had by that time usually formed a personal opinion of the officer and the opinions recorded previously served to guide him to a sound conclusion. He thought the register was of great value and should not be dispensed with.

His Excellency observed that there seemed no need to go into further detail in this matter and the discussion then closed.

CONCLUDING REMARKS.

Mr. Aziz-ud-din said:—Your Excellency, I believe our deliberations are over now and on behalf of myself and my brother Collectors therefore beg leave to express our sincere obligation to your Excellency for having invited us to this Conference. We have enjoyed our stay here thoroughly and in the case of those who like myself have been your guests the enjoyment and the obligation have been enhanced by your Excellency's generous hospitality.

As to the discussions which have taken place, it is impossible that Government and the Collectors of the districts should see every matter eye to eye, but the various aspects of the questions put forward have been laid before the Government and if in any instance the debate should prove to be of service towards the disposal of issues calling for decision, the fact will, I think, be a source of great satisfaction to all concerned.

His Excellency replied in the following terms:—Let me, on behalf of myself and the other Members of the Government, thank *Mr. Aziz-ud-din* for what he has said. We recognize that there must be variety of experience among district officers and that their stand-point must in certain respects differ from that of the Members of the Government. But that very consideration induces us to attach the greatest possible value to this opportunity for friendly, informal, and confidential discussion, which has enabled us, I think, in a large measure to get to the heart and essence of the questions in issue. I do not doubt that we have all benefited by the discussion of the subjects which have been brought before this meeting. I go away myself, if I may say so, more impressed by the striking variety in the local conditions of this Presidency and the great difficulties which may arise from excessive seeking after uniformity in dealing with questions of general administration. History and tradition, custom and language, vary so much in this province that the Government have in the past rightly been very cautious in advocating centralization and uniformity and the same prudent policy will doubtless be followed in the future. One other impression I must record—my sense of the reality of the fact that the Collectors of districts form the backbone of the administration. These considerations have made me, and, I am sure, the other Members of the Government also, value this Conference very highly. A special feature of our discussions has, I think, been that they were very frank, unreserved, and informal. We have really felt that we have heard what you thought. As to the opportunities for hospitality, I am sure we have enjoyed them as much as you.

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