



REPORTS.

NILGIRIS ETC.

Chronological List

1921 20 May -

Irrigation - Minor - Administration
in Salem District

1922

5 Dec. 12082/22 Irrigation - Minor - Administration
in Trichinopoly District

1935

15 July 4858/35 Service - Public - Provincial &
Subordinate - Revision of Rules

24 July 4130/35 Motor Vehicles - Rules - Revision

17 Aug. 5013/35 Assignment - House & Rules

15 Nov. 26 Cmf/35 Assessment - Land Revenue
Lands improved with State Loans

22 Nov. 39 Cmf/35 Assessment - Land Revenue
Grant of Concessions

13 Dec. 45 Cmf/35 Excise - Tobacco Act.
Administration of

23 Dec. D.O. Railways - Travelling
without tickets.

29 Dec. note Revenue Recovery Act.
Working of

1936

note Furniture & Stores - Custody.
1 Jan. 4788/35 Advances - Loans - A.L.I.
amendment Act.

2 Feb 484/36 Settlement - Nilgiris

12 Feb Annual Sacrifice Bill.

10 July 3003/36 Removal of Civil Disabilities
Bill

13 July note Touring - H.E. the Viceroy's
Circinnaire.

27 July note Public Works - Nilgiri Water
Supply.

1936 (contd)

- 30 July 2569/36 Stationery - Cuss - Re-use of.
25 Aug 633/36 Establishment. Collector's
Office, Ootacamund - Addition.
9 Oct 3559/36 Abkari - Excise - Increase
in Revenue - Possibilities
21 Oct 687/36 Abkari - Liquor - Sale to
Hill tribes.
1 Nov 4768/36 Motor Vehicles - The Indian
Motor Vehicles (amendment) Bill
3 Dec. 194 Pert Abkari - Foreign Liquor -
Proposals 1937-38.
21 Dec 4436/36 Assessment - Land Revenue.
Coffee Remissions

1937

- 30 Jan 3361/36 Advances - Loans - Indebtedness
of Badagas.
12 Feb. 5213/36 Forests - Disafforestation
assignment to poorer classes.
11 Mar. 3554/37 Water Sources - Nilgiris.
3 Apr. 4997/36 Labour - Debt Bondage.
29 Apr. D.O. 105/37 Policy of Government -
Taxation.
11 July D.O. 146/37 Code of Criminal Procedure
Amendment.
15 July 110/37 Excise Administration
Report - 1936-37
21 July 2617/37 Const. Deputy Tahsildars.
List - Clerks in Lower Division
4 Aug. 2075/37 Abkari - Shops - Removal of

1937 (Contd)

7 Aug 514/37 Deposits - Revenue - June
Licence Fees.
7 Aug 2691/37 Forests - Badaga Fuel Supply
Scheme.
9 Aug 170/37 Statistics - Season and Crop
Report - East 1346
24 Sept. 3408/37 Tea - Export Regulation Scheme.
28 Sept. 3252/37 Labour - Debt Bondage.
5 Oct 806/37 Motor Vehicles - Lornis -
Malabar Dist. M.L. Owners' Union.
22 Oct 3584/37 Public Works - Rural Water
Supply - Nilgiris.
5 Nov. 2314/37 Malabar - Irrigation - Drainage
works
Education - District - Ed. Cl.
22 Dec 3502/37 Village Officers - Hereditary
Rights.

1938

3 Feb Cmpl. 413/38 Village officers - Assistance
to Official Receivers
3 Feb 4219/37 Motor Vehicles Taxation Act.
4 May 208/38 Post - Water Division - Rob Roy
Est.
10 July 2137/38 Public Servants - Clerks - Recruitment
30 July 2427/38 Public Servants - Law qualifications

1939

22 Feb B.O. Bill for restr. & control of habit offenders
4 Mar 613/39 Elections - Establishment.
2 May 415/39 Cruelty to Animals - Bhagavathi
Amman temple, Kandal.
13 July 1865A/39 Treasury - Collecting Depot, (only
20 Nov 2344/39 Elephants - Wild - Capt Boyle
14 Dec Parl. 199/39 Criminal Administration
Report.

Confidential.

Revenue Department.

Subject.-- Irrigation - Minor.

No. /Confdl/21.

Camp Kelamangalam

Dated 20th May 1921.

From

P. Macqueen Esquire., I.C.S.,

Collector of Salem.

To

The Secretary to the Board of Revenue,

Revenue Settlement, Madras.

Sir,

I have the honour to submit the report called for in Board's reference No.900-21-1 dated 10-5-21 stating that the instructions issued by the Board on the subject of Minor Irrigation have been generally neglected and calling for an explanation.

2. The position is, of course, that the responsibility for carrying out the executive work of this department lies primarily upon the Tahsildars; but when there is serious default in carrying this out, it is for the Collector to show that he exercised due supervision and did all in his power to ensure that work was properly done. There is no question that with regard to the Salem district the work of the Tahsildars with regard to Minor Irrigation repairs has been extremely unsatisfactory. The normal minimum expenditure prescribed by the Board for this district is Rs.26,000, but in the year 1920-21 only Rs.20,867 have been expended. The monthly progress re-

reports state a figure for estimated amount of work done and another figure for work paid for. I attach very little importance to the first figure. I append a table which shows the amount of work done and paid for respectively throughout the district for the year under consideration. It will be seen that for the months of April, May and June 1920, work to the amount of Rs.5,992 was alleged to have been carried out, but that up to the end of June, not more than Rs.25 had been expended on any of these works. It will further be observed that by the end of August of that year works to the value of Rs.13,509 had been carried out, that is to say, works representing half the allotment for the year but as the total payments up to the end of August amounted only to Rs.1,497, I am inclined to think that the figures for work done are absolutely fictitious. The progress of the work should be judged mainly by the second set of figures and this shows that for the first 11 months in the year under consideration, payments amounted only to Rs.9,298 out of Rs.20,000, which is entirely inadequate.

3. With regard to the Collector's responsibilities in the matter, I submit that it is two-fold; first it is to keep himself acquainted with the progress of work so as to be in a position to take notice of any serious neglect, and secondly, it is for him to apply such measures as may be necessary to stipulate the tahsildars. I have paid a good deal of attention to the work of this department. I joined the district in January 1920. On the 21st of April of that year I issued a circular defining more accurately than before the respective duties of Minor Irrigation officers. On the 18th of March, I issued a circular calling the attention of the Tahsildars to the fact that they should, before the close of the year (1919-20) have carried out about 75 per cent of the estimates for the budget year 1920-21 and calling on them to report

whether they had done so and if not what was the cause of their failure to do so. I have a copy of this circular in my file, but most unfortunately owing to the then unsatisfactory state of routine in my office, it was not issued promptly and it was not till 17-8-20 when I had occasion again to refer to the matter that I discovered this fact. It was therefore issued somewhat late to that effect for that working season. On the same date (17-8-20) I drew attention of the Tahsildars to the fact that they should be well forward in the year 1920-21 with the preparation of estimates for 75 per cent of budget works of the year 1921-22. This circular was issued on 17-8-20 in ample time to take advantage of the working season of 1920-21, and no Tahsildar can plead want of warning in this matter. In any case I was merely insisting upon the work being done in a proper manner and the rules which the Tahsildars are supposed to be acquainted with being carried out. On 22-10-20 I issued certain rules as to the submission of proposals for Minor Irrigation budget.

4. I would submit, however, that although I may fairly claim that the attention I have paid to this subject absolves me from any responsibility in the matter of the neglect complained of, at the same time it is incumbent on me to explain how it is that my instructions to the Tahsildars in the matter have been very generally ignored. There is no doubt that at the beginning of 1920, the administrative machinery of Salem district was working very slackly. This fact has been commented on by the Board itself in reference to Land Acquisition cases. I have put forward considerable efforts to try to remedy this state of affairs but with only very partial success. In my opinion there are certain officers in this district of the grade of Sub Magistrate and Tahsildar who are fitted neither by character nor by competence for the appointments which they hold,

and I have, in a certain number of cases, handed up officers to Board or Government for punishment or reduction. Unfortunately, the Board or Government as the case may be, have taken so lenient a view of these cases as to give rise to an impression that not much importance is attached to the Collector's opinion in the matter. It is clear therefore that this is an incentive to Tansildars to ignore instructions of the Collector and to repeat errors even after their attention has been personally drawn to them, and this is precisely what has happened in the district.

5. To remedy the present state of affairs with regard to Minor Irrigation work, I have but one suggestion to make, and that is, that the Board should make an example of one or two of the worst offenders. One of these is ^{C.T.} Mr. A. S. Patil, the Tansildar of Hoshur, against whom I have already framed a formal charge with regard to a number of other matters besides his neglect of minor irrigation work. These charges with his explanation will, in due course, be submitted to the Board and I would suggest that in passing orders thereon, his neglect in the matter of Minor Irrigation work may come in for prominent consideration. Before receiving the Board's order in this matter, I had already called for the explanation of 4 Tansildars whose excessive payments in the month of March appeared to call for special notice. Their explanations will be submitted when received. I had also reason to suppose that there may be some irregularities with regard to payments made in anticipation of check measurements and I had called for reports from all Tansildars on this point also. If any such irregularities have occurred, I will submit a supplementary report to the Board.

6. Finally I would take the opportunity of making few general suggestions on the question of the method of supervision. In the first place, B.S.O.No.67 is, like a good many other Standing Orders, not altogether

clear nor free from inconsistencies and contradictions. I need not quote a number of instances, but a reference to the rules relating to the transfer of allotments will, I think, indicate as plainly. A re-arrangement of this B.S.O. and a re-writing of it by carefully selected index heads would save a great deal of the time of all officers concerned with its administration.

7. The next point for consideration is the form of progress report. This form (B.S.O.II, Appendix 11, Page 342) contains a good deal of unnecessary information. It also involves a large expenditure of paper as each taluk has to draw up during the year 24 of these double foolscap sheets (that is to say, for the district, 240 double foolscap sheets) one half for Office copy and the other half for report to the Collector. When these sheets are collected in the Collector's office, monthly, they have to be bound up in cumbersome books which are troublesome to refer back to and fill up unnecessary space in the record room. I submit a printed copy of the progress report which I have now introduced from which all unnecessary matter has been rigidly excised. It will be seen that one form can be used throughout the year. Each Tansildar will use but two forms, one as an office copy and one for his monthly report. The Collector maintains a posting register on the same principle, that is, the progress for the whole year can be entered up month by month on a single sheet. As soon as the postings have been made for the month from the progress report, the copy is returned to the Tansildar to be written up for the ensuing month. The advantages of such a method, are obvious and it can be applied not only to Minor Irrigation, but to other subjects also as I have already applied it in the case of incometax progress reports. The use of a posting register in the Collector's office does away with much searching in the records for the reports of previous months and the making of rough notes on little bits of paper.

8. The next point is with regard to the selection of works for

for execution. On coming to the district I found that B.P.No. prescribing a file of Revenue Inspectors' inspection reports and been more or less ignored and that these reports were mixed up in the tank of Divisional office records without any order or arrangement so that they were not accessible for practical purposes. I have ordered these files to be kept by the Divisional officers and used by them in over-checking the Tansildar's budget proposals for each year. I have also asked the Tansildar to open a register in which every work requiring repair is brought on as it is reported and the budget has to be prepared from these works in order of precedence unless there are special reasons for preferring one to another. In this way, I hope to be able to bring to an end the former practice by which Tansildars and overseers merely carried out those works which happened to be convenient to them.

9. I have also introduced certain changes in the method by which the Tansildar submits his budget proposals to the Collector so as to make it impossible for the Tansildar to include part-finished or untouched works of the previous year without immediate detection.

10. It is to be remembered that works which are carried out during any particular year fall into two distinct classes. The first class consists of works for which provision has been made in the budget of the current year. One point of some importance arises with reference to these works. Contractors are apt to be somewhat indifferent and to take up first the easiest and most profitable part of their contract, and as an argument for delay in payment it has been suggested that if payments are made for the first part of the work as soon as it is carried out there will be an incentive for contractors to throw up the contract and fail to complete the construction. There may be something in this argument. On the other hand I am inclined to think

that the general slackness and delay which has obtained up to the present has operated to deter those who would prove satisfactory contractors from tendering for these works. I have not myself examined many cases in detail to trace the exact extent and causes of the delay though in some cases that I have examined, these are most reprehensible. My revised form of progress report discussed in para 7 of this report will make it possible to see at a glance the whole history of any particular work throughout the year.

In this connection I would suggest that a salutary check upon the contractors might be effected by insisting on a 5 or 10 per cent deposit subject to confiscation if the contract is not satisfactorily carried out. The second class of cases concern 75 per cent of the works of the ensuing year carried out in anticipation of sanction. These cannot be paid for till the 1st of April, and therefore even if taken up in November or December, the contractor will have to wait 3 or 4 months for his money.

11. I submit that the present method of carrying out of the works in anticipation of payment is unsatisfactory. It is bound to have a bad effect on contractors if they have to wait 3 or 4 months for their money and it also leads to great confusion in budgeting and all matters connected therewith. The system amounts to this: in Salem district a minimum of Rs.20,000 is supposed to be spent during the course of the year and of this amount 25 per cent should be spent upon works included in the budget for that particular year. For, in theory, the remaining 75 per cent of works involved in that budget were applied before the year opened and 75 per cent of the works for the ensuing year are supposed to be carried out in the year under consideration. This means that in the case of three-fourths of the works to be carried out during the year, payment is necessarily delayed till the year closes. I can see no satisfactory reason why this distino-

distinction should be made.

I would suggest that an estimate be made of such works as should reasonably be completed and paid for before 31-3-23 and that so much money as is required for this purpose over and above the available provision in the budget for the year be sanctioned, and that in preparing next August the budget for 1923-24 works be selected which it is intended to carry out only in that year and which amount in the aggregate to at least Rs.20,000.

The only reason which I can conceive for the existence of this present rule is the possibility that owing to presence of water in an irrigation work or to other unforeseen causes it may be desirable to take up one work in preference to another and that if this change of decision can be made with reference to budget list of works for the ensuing year which has already been drawn up, there will be no need for the Collector to apply for the transfer of fund from a budget work to a work not included in the budget, but I think this object would be achieved equally well if the Collector was empowered to order the transfer of funds up to Rs.2,500 from a work included in the current year's budget to a work not so included for adequate reasons.

I have the honour to be,

Sir,

Your most obedient servant.

Collector.

T.N.S/24-5-22.

*Board Proc. 131/30 Aug 21
not a word said on the
points raised. The whole
thing was simply ignored.*

1st - Mr.
REPORT TO BOARD.

R.D. 12082/22.

TRICHINOPOLY COLLECTOR'S OFFICE.

Dated 5th December 1922.

From

P. Macqueen Esquire I.C.S.,
Collector of Trichinopoly.

To

The Secretary to the Commissioners,
Land Revenue and Settlement, Madras

Sir,

MINOR IRRIGATION WORK - UNSATISFACTORY
CONDITION.

I have the honour to submit the report called for in the Board's reference No. H - 2853-22-1 dated 6th November 1922 referring to the above subject. Speaking generally the two most serious defects in the present administration of the Minor Irrigation department are the failure to attend to works that require repair and the failure to carry out such works as have been actually put in hand in a prompt and orderly fashion. The proposals made by the Board in its reference appear to me to be directed more to remedying the second defect than the first and the most important of their proposals is the one outlined in paragraph 3 suggesting new rules for the surrender of allotments and the carrying out of works in anticipation of allotment from the budget of the ensuing year. The complaint is that the works are commenced late in the official year with the result that full advantage is not taken of cheap labour which will be available from January to April and the attempt to rush through works and pay for them before the 31st of March leads to bad work and irregular practices with regard to payments. Now taking the other main defect of failure to attend promptly to works.

in need of repair, its evil results are two-fold. It causes loss to the raiyats which may fall short of total loss entitling them to remission; because such works as the repair of sluices, kalingulas, etc., are not carried out perhaps for two or three years together and it frequently causes loss to Government; because as we know a stitch in time saves nine and the longer the damage is allowed to remain unattended to the more expensive will the ultimate repairs become, and in fact cases are not unknown in which serious disasters on an expensive scale have occurred as the result of failure to attend promptly to damaged works.

2. To discuss first the Board's main proposals regarding surrenders, we may, I think, agree that ~~that~~ ^{the} possesses two advantages - (1) they will tend to avoid the finishing of works in a hurry and (2) they will obviate the annual complaint made by the Accountant General of excessive payments in March. It appears to me, however, ^{that} although the proposal will produce these desirable results, it will not automatically compel the taking up in the early part of the working season of works to be paid for out of the ensuing year's budget and other things being equal will merely tend to slow down the rate of execution in the early part of the working season. I must also point out two positive disadvantages which the proposal presents. The first is the fact that large surrenders will have to be made from the provincial funds, as it is proposed to abolish the old system of making grants early in the season to such districts as are able to spend them from surrenders made by other districts. The second defect is one peculiar to certain districts. In Trichinopoly,

a sum which may be roughly estimated at Rs.6000 is annually spent upon what are called korambu works. These are protective works at the heads of certain channels which lead direct from the waters of the Cauvery or other rivers without any permanent structure of the nature of an anicut. As the water in the river falls in level, artificial extensions of the banks of the channels are constructed in the river bed of bundles of twigs or nanal grass and the work is done mainly by the tenants and labourers of the mirasdars and payment is almost entirely a payment for labour and is to be made at frequent intervals, generally weekly. This work goes on more or less continuously during the months of January, February and March. Sometimes some freshes in the river will wash away a great part of the korambu in which case unforeseen expenditure is involved. It is obvious therefore that by prohibiting the payment out of the current year's allotment for works carried out in March we make it impossible to do any korambu work in that month, a state of affairs which would raise an immediate outcry from the raiyats under the korambu channels. Nor will it be easy if the korambu channels are excepted from the rule to find the funds for repair to unexpected damage which would otherwise have been available by transfer from the provision for tanks. Speaking generally the proposal is liable to prove unworkable whenever Minor Irrigation work has to be carried out departmentally as labour cannot wait a month or two to be paid in the same way as a contractor. I am inclined to think that if more care were taken with regard to the budgetting and the preparation of estimates, the defect which the Board's proposal

* on minor works

attempts to obviate would to a large extent disappear.

3. I would lay great importance on the fact that there is no proper system in operation which would ensure that all works requiring repair are promptly reported and due attention taken. Sometimes a work is reported after a long delay of perhaps nine months which the Tahsildar will explain by saying that nothing could be done on account of water in the tank. An estimate will at least be prepared. Another long delay may occur before the estimate is finally submitted to the Collector for sanction because it may be incomplete and specially referred back to the Minor Irrigation Sub Overseer two or three times for revision. Even if it has reached the stage of sanction by the Collector and allotment of funds, it may possibly happen that its execution is delayed owing to the same inconvenient cause as before namely the presence of water in the tank and finally as one budget year gives place to another the case may be for a time entirely lost sight of. To prevent the occurrence of such neglect we should aim at three things. First to ensure that all works reported for repair are entered in the Tahsildar's budget. Secondly that having found the place there they are not lost sight of till they are put in hand. Thirdly that all estimates prepared for works are complete. We can ensure the first result if the Tahsildar is directed to prepare his budget list by arranging the works in order of urgency and it should be his duty to take up works for execution in this order which should not be deviated from except for special reasons to be explained by the Tahsildar. An adequate reason would be of course a sudden breach of a tank which required instant

suggested
Estimates to
accompany a certain
no. of budget works.
Col. Brammard
est. no. of budget
works put execution
in the current yr.

repair and would naturally have to be given preference over all other works. Further the Collector in framing his budget for the Board will be able to reduce the provision for the taluk to the necessary figure without having to refer back to the Tahsildar his budget proposals to ask which works could be omitted. To ensure the second result namely that no works are dropped out of the budget, it will be sufficient if the Tahsildar maintains a register of all works reported as in need of any repair in which the case is shown as pending until the completion report is sent in and it would be as well if in submitting his budget list he notes against each work the date when the first report in connection with it was received. The third point is to ensure that the estimates are complete in the first instance; e.g., Minor Irrigation Sub Overseer may prepare an estimate for repair of a sluice and ignore that fact that the bund of the tank also needs attention. I would suggest that the Minor Irrigation Sub Overseer be directed to consult the ayacutdars and the Village Officers when he prepares his estimate and that he gives his certificate together with a certificate from the Village Officers to the effect that his estimate includes all repairs to every part of the tank which need to be carried out.

4. Apart from the question of ensuring that action is taken in the budget on all works needing repair there is also the question of ensuring that such reports are acted upon in practice. In B.P. No. 234 dated 24th September 1917 the Board directed that the Revenue Inspectors should send in a report in a special form of Minor Irrigation

sources inspected by them and it was apparently intended that the file of these notes should be kept by the Divisional Officers. The Board's original proposal was that the Tahsildar should maintain a sourcewar register in which notes of all inspections regarding irrigation sources should be entered for a series of years and that this register should form a useful history of each source. But Government did not approve of this proposal. Experience shows that the Revenue Inspector's reports are not made sufficient use of and are frequently lost or mislaid. While maintaining the rule that these reports should be filed by the Divisional Officers, it might be insisted on that when they pass through the Tahsildar's hands, he should make a brief extract from them in a register. This register however need not be a sourcewar register but a register intended to keep the existence of such reports before the Tahsildar until such time as the work could be attended to. It should be on this register that the Tahsildar bases his budget proposals and from which he obtains information noted as a result of personal inspection by himself and other officers of the comparative urgency of the cases entered therein. The register may be in the following form.-

- Col. 1 - Serial Number.
- Col. 2 - Designation of reporting officer.
- Col. 3 -- Name of village.
- Col. 4 + Name of irrigation work.
- Col. 5 - Nature of repairs needed.
- Col. 6 - Date of completion of repair.

Until col. 6 is filled in a work will be shown as pending in this register. As this register will be the basis for the budget proposals, I

I would call it "The working plan register".

5. To return to the Board's reference, paragraphs 1 to 8 deal with various stages of delay or the various processes from the original estimate to the final payment. I have already in my previous paragraph made certain suggestions with regard to the preparation of estimates mainly with a view to avoid necessary works being lost sight of. It will not probably be desirable to insist upon the preparation of an estimate immediately a work is reported, apart from urgent cases. At the same time, it is desirable that as many of the works included in the budget proposals as possible should be supported by estimates prepared during the months of say May, June and July and the preparation of a reasonable number of estimates concurrently with the execution of works should be insisted on as an ordinary part of the Minor Irrigation Sub Overseer's work. At the time of Jamabandy, the Jamabandy Officer should check this work by comparing (1) the Divisional Officer's file of Revenue Inspectors reports, (2) the Tahsildar's working plan register, (3) the Tahsildar draft budget proposals and (4) the accounts given to him verbally by the Village Officers and raiyats as to the state of the local tank etc.

6. Paragraph 2 suggests the form of return to the Board to avoid delays in the Collector's Office in the scrutiny and sanction of estimates. I submit that this is somewhat cumbersome and is moreover superfluous. If such great delays occur, they are merely a symptom of a deep-seated disease which calls for the overhauling the office as a

whole. Again it is not clear why any delay should occur between the sanctioning of an estimate and the allotting of funds. As regards the suggestion in paragraph 4 that a column should be inserted in the progress report showing the date on which the contract is signed, I submit that this is superfluous. The progress report shows the date on which the estimate is sanctioned and the value of the work executed subsequently. If progress reports are submitted monthly as I have suggested elsewhere, any delay in signing that contract would be obvious. In this connection, I would suggest that progress reports be submitted monthly. I have found it necessary in practice to insist upon this. I would suggest also that the progress reports and the register of estimates and allotments may run from a period December to December so as to include a full working season.

7. Supervision should involve the inspection by the Revenue Inspector of every irrigation source in his firka at least once a year and the Tahsildar^{by} of as many such sources as possible including all works under execution during the year. The Divisional Officers should be called on to inspect a due proportion both of works under execution and of other works. There exists in some quarters an impression that the Minor Irrigation Sub Overseer is also responsible for inspecting tanks not known to require repair, to see whether any work is necessary. I submit that this practice is objectionable and should be specifically prohibited. The work of the Minor Irrigation Sub Overseer is technical^y engineering work. The responsibility for bringing cases to notice may very well rest

rest primarily with the Village Officers and the ayacutdars whose personal interests are involved and secondly with Revenue Inspector and other inspecting officers as a part of their professional duties.

8. Speaking generally the rules under which the Minor Irrigation Department works require re-writing, some of the most important for example those relating to Revenue Inspector's reports and to carrying out in the current year works of the ensuing year are not to be found in the B.S.C. at all; nor are there any instructions therein as to how the budget should be prepared. Again this B.S.C. in addition to being incomplete is not provided, like other B.S.Cs, with paragraph headings which help to simplify and make them easier for purposes of reference. I would suggest that the B.S.C. be written up in the form of a complete manual of Minor Irrigation and if to this were added B.S.C. 85, 86, 88, 88 A and the relevant portions of B.S.C. 7, 8, and 9, a complete manual of irrigation so far as concerned the Revenue Department could be compiled. That there is sufficient material for this will be obvious from the fact that B.S.C. 87 itself occupies 7 pages in Vol. I and not less than 62 pages in Vol. II. The advantage of such a compilation would be that it would be more logically arranged; it would be so indexed as to make rapid reference possible; and that it would not involve the paper and print required for two large volumes in order to produce rules referring to irrigation alone.

9. Other means by which the work of the Department might be improved and reduced suggest themselves in regard to the progress report which instead of being written up every month might be contained on a single sheet in the form of a circulating report like the sample enclosed. I actually tried this form for a time and found it quite satisfactory except in one respect. In order to stand the wear and tear involved the paper should be of extra strong parchment or mounted on canvass or linen. The advantages of the method are (1) saving of scriptory work in the Taluk Office (2) saving of paper in the Taluk Office, (3) saving of work in sending previous progress reports to the Record room and subsequently taking them out for reference both in the Taluk and the Collector's Office, (4) minimising mistakes such as omitting a work in a particular month or entering the amount of the estimate wrongly, (5) placing the history of the work throughout its period before the head of the office on a single sheet (6) making the work of posting and check in the Collector's Office much simpler. Its disadvantages are nil. In addition to this, I would suggest that the progress report should be invariably sent to the Collector monthly. I have myself found this essential in practice. Monthly postings should be taken to a posting register from which the quarterly return to the Board may be compiled without waste of time or hunting for the reports of the previous months. The total progress figures for the district each month will be available in this register for the Collector's scrutiny. I submit a specimen of posting register. I am inclined to think that the period should be December to November inclusive.

10. Time may also be saved by judicious standardiza-

Possibly a little delay. I can not however suggest a satisfactory alternative.

tion. Work is bound to fluctuate in all offices and there is nearly always scope for ~~shortening~~ shortening labour by fresh standardization in one direction or another. The most obvious form of standardization is where it is considered desirable to print at provincial head-quarters large quantities of forms and distribute them throughout the districts. But there is a lesser though equally useful form of standardization which is more local in its application and it does not necessarily involve the use of printed forms but could be carried out by means of the ordinary appliances of a Collector's office and there is a still further type of standardization which standardizes reports by means of set paragraphs so as to fix the order on the essential contents of the report and I submit copies of the following forms standardized which I found useful in this district.

- (1) Tahsildars report requesting sanction of estimate.
- (2) Office-note thereon.
- (3) Form for sanction of estimate.
- (4) Office note on monthly progress report.

I have the honour to be,
Sir,

Your most obedient servant,

P. R. R. R.

5 DEC 1922

COLLECTOR.

R.K.
5.12.22

Enclosures:-

- (1) Collector's Office Progress report Posting register.
- (2) Form of Circulating progress report.
- (3) Tahsildar's report requesting sanction of estimate.
- (4) Form of office-note thereon.
- (5) Form for sanction of estimate.
- (6) Form of office Note on monthly progress report.

R.V./5-12-22.

In reply, please quote
number, date and
short title.*

Revenue DEPARTMENT.

Received.....Registered.....

From (Name) P. Macqueen Esquire, I.C.S.,
(Designation) Collector of Chingleput-Madras.
Post Box....., (STATION).....Saidapet.
Telegraphic Address.....

To

The Secretary to the Board of Revenue,
LAND REVENUE AND SETTLEMENT, M A D R A S.

D. No. 4858-35, dated 15th July 1935

Sir,

*
SERVICES -PUBLIC- PROVINCIAL AND SUBORDINATE SERVICES-
STATUTORY RULES -GENERAL REVISION.

--

Board's Ref.D.3859-35-1 dated 5th June 1935.

My letter D.4037-35 A 3 dated 13-6-35.

--

In continuation of my letter quoted above
I make the following suggestions for the consideration
of the Board.

2. There is no proper procedure for the termination
by the head of the office of the probation of a probationer
for some fault or other. I think no such orders should
be passed by the head of the office without first reducing
to writing the exact faults which he alleges against the
clerk and getting a formal explanation. In the absence of
a proper procedure, the Services Commission or the Collector
as the case may be will have often to write for further
particulars to the office in which the clerk has served
because the proceedings terminating his services have been
too summary. If this were insisted upon, it would in-
crease the feeling of responsibility of heads of offices
towards these junior members of their department.

3. I think that appeals against orders terminating
the probation should lie to the head of the department who

ENCLOSURES.....

SPARE COPIES.....

REVENUE DEPARTMENT.

who ordinarily hears appeals in disciplinary matters. This again would tend to give the head of the office a feeling of responsibility and deter him from arbitrary action. The head of the department is in a better position to judge all the details of the case than the Commission or the Collector and it would be helpful to the latter to have his considered opinion on such a case before passing orders as to whether the probation should be terminated.

4. The termination of probation is a very heavy punishment and should not, I submit, be imposed unless the enquiry against the clerk has been conducted in judicial form.

s.k.15-7

COLLECTOR.

Copy to Collector's file.

Received 19 . Registered 19

Subject.

MOTOR VEHICLES- RULES - REVISION - REPORT.

REF: Government Memo No.1996-A.1 dated 4th June 1935.

ENCLOSURES.

No.

Spare copies

D.Dis. No. 4130-35

Station Saidapet, Dated the July 19 35.

From (Name) P. MACQUEEN, ESQUIRE I.C.S.,
(Designation) District Magistrate of Chingleput Dt.

To The Secretary to the Government of Madras,
LAW (GENERAL) Department.
Madras.

Sir,

I have consulted the District Superintendent of Police and I submit my views on the report of the Committee on the revision of the Madras Motor Vehicles Rules 1923.

2. GENERAL PRINCIPLES.

Before discussing the administrative difficulties which led to the formation of the Committee and the proposals which it makes to resolve them it will be of advantage to set forth in brief the nature of the problem and the special difficulties which it presents.

3. We are concerned, of course, with the control of all motor vehicles using the public roads but it is more with regard to such vehicles as ply for hire that acute difficulty arises and it is these only which I propose to consider here. There are 3 main interests involved, the general public, the bus owners or special public and the authorities concerned. The public authority has to perform two distinct duties. The first is to safeguard the interests of the travelling public; the second to permit only such traffic as the road will bear. These two functions could not be combined in a single department for they are different in essence, one being a branch of the maintenance of law and order and the other of public engineering. Their separate interests must, however, be reconciled and this can best be done by reducing the overlapping of powers to the lowest possible limits.

4. LAW AND ORDER.

The police must see to the comfort and safety of passengers. They are legitimately concerned therefore with the number of buses which are licensed to ply for hire. That number should not be excessive on any route so as to produce molestation of intending passengers or racing of vehicles, nor must it be unduly small, so that there is a temptation to load up buses beyond the allowable limit. The Police are also interested in the type of vehicles permitted on the road, particularly in regard to the general seating arrangements and to brakes, lights, horns and silencers. They are also concerned to see that vehicles run according to proper time tables. It is necessary that the scale of fees should be fixed and duly displayed to the public. At present the fixing of fares is done by the District Board and Municipality. So long as this does not give rise to complaints from the public or to official disputes I see no reason why the arrangement should

not continue. But it would certainly be better to entrust the fixing of the scale of fares to the hands of a single authority.

5. THE ROAD MAINTAINING AUTHORITY.

The authority responsible for maintaining the roads is concerned primarily with the type of vehicle licensed and the number permitted to run on each route. In considering the type of bus, weight loaded and unloaded and the nature of the tyres are the chief factors. So long as the requirements of the maintaining authority on these matters are accepted and adequate means are taken to enforce them there would appear to be no reason why that authority should have any concern in the selection of individual licensees.

6. At present both the District Boards and the Municipalities have the power to collect fees from and grant licences to the owners of motor vehicles plying for hire and, per contra, to refuse them. Thus the way lies wide open for disputes and even deadlock between the local authority and the Police, the sufferers being the owners of motor buses who have to suffer inordinate delay and uncertainty in their business operations and the public who suffer danger and inconvenience from the dislocation of services. Many disputes have arisen in the past, and there have even been districts where the Local Board, not satisfied with the technical inspection of buses provided by the Police Department have insisted on inspection also by an officer of their own to the resulting harassment of the unfortunate bus owners. Such difficulties are still liable to arise at any time. The only way to avoid them is to confine the discretion of the local board to its legitimate sphere namely the preparation of an annual programme allotting the proper number of vehicles to each road and to leave the selection of individuals for the grant of licence to the

xx

Police, to whom that work most properly belongs. For vacancies in the road programmes may occur at irregular intervals and it is unthinkable that on every occasion a meeting should assemble consisting of the District Superintendent of Police, the President of the District Board and the Chairman of the Municipality concerned. The only way is to rule out the local bodies altogether. But this can only be done by amending the Municipal and Local Boards Acts and unless it is done no amendment of the rules can exclude the possibility of a complete official deadlock.

7. THE PRESENT POSITION.

Government have recently in their order No.1741 Law (General) dated 7-6-34 prescribed that at least once a year a Conference should assemble in which the District Magistrate, the President, District Board and the District Superintendent of Police should decide "the routes upon which shall motor vehicles ~~should~~ be allowed to be ply for hire and the number of motor vehicles to be allowed on each route in the district." But this G.O. does not give any indication as to how selection is to be made between competing applicants for licences. And it seems to have lost sight of the fact that there are more than "two issuing authorities" for under the Madras District Municipalities ~~Act~~ (Amendment) Act X of 1930 (Section 174-A) it was laid down that no motor vehicle should ply for hire within a Municipality without obtaining a Municipal licence. G.O.1741 fails both in its scope and in its powers. In its scope because it does not provide for joint consultation between all the parties interested nor does it touch on the real crux of the problem, the selection from amongst various applicants for licence; and in its powers because it is in effect a recommendation to be reasonable. It does not provide and could not provide any effective means of settling a marked difference

of opinion between contending authorities. To do that would require fresh legislation to limit the scope of the Local Boards and District Municipalities Acts in matter of issuing licences.

8. THE COMMITTEE'S REPORT.

The Committee were impressed by the inconvenience to which bus owners were put by having to go to different authorities, the District Superintendent of Police, the District Board and one or more Municipal Councils to obtain a licence and the majority proposed that all the licences required should be obtainable at the office of the Dt. Superintendent of Police. It is not absolutely clear exactly what procedure the Committee had in view. Their proposal might mean either that the Dt. Superintendent of Police acted as an agent for the District Board and Municipalities to issue their licences or that he undertook on behalf of applicants this necessary correspondence with local bodies. To make the District Superintendent of Police an agent for local bodies seems to me to be out of the question. The alternative proposals has something to recommend it, as it would probably accelerate correspondence. But it would involve a great increase of clerical work in the D.S.P.'s office. Even with the acceleration so obtained, the collection of all the licences required would still give rise to inordinate delay. The only radical course, in my opinion, would ~~not~~ be to amend the law so that the interest of the Local Boards and Municipalities in the personnel of bus owners ceased altogether and a responsibility was laid on the Dt. Supt. of Police to direct approved owners to deposit the fees of the Local Boards in the Treasury and produce the chalang before a G.permit or consolidated licence was issued.

9. The Committee recommend in para 6 that the "G" permit should not prescribe the route over which the vehicle should ply for hire. The majority consider that "the demands of traffic will best be supplied by free and uncontrolled competition between buses". This is a somewhat surprising opinion

in the light of the bitter experience of recent years.

It is in the interests of the Municipalities and particularly of the District Boards that the number of buses allowed to ply for hire on a particular road should be subject ^{to} what, according to the standard of maintenance adopted by the Board, the road ^{may} fairly be expected to carry. If buses are licensed for all roads in the district they will- as experience has proved, tend to overcrowd certain roads. This ~~excess~~ overcrowding leads to violent touting for passengers and racing of buses, to the great discomfort and danger of the travelling public. The suggestion that "The Dt. Supt. of Police should regulate the order in which and the times at which buses start on their trips" appears to be contradictory to the proposed "free and uncontrolled competition between buses". The omission from the draft C. permit as proposed by the Committee of the route over which the vehicle should apply for hire would, in my opinion be a serious mistake and would revert us to an unsatisfactory state of things from which we are struggling to emerge.

10. The conclusion of the matter is that a special enactment is necessary (a) to decide the number of buses to be allowed to ply on each road in a district for the ensuing year by ~~means~~ means of a conference between the authority responsible for road maintenance and that responsible for law and order; (b) to entrust the selection of bus owners for licence to the hands of a single authority who will before issuing a licence satisfy himself that the fees due to all local bodies have been paid.

DISTRICT MAGISTRATE.

24.7.31

C.F. 32.

In reply, please quote number, date and short title.*

REVENUE DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen Esq., F.C.S.,
(Designation) Collector of Chingleput-Madras Dt.,
Post Box _____, (STATION) Saidapet.
Telegraphic Address _____

To
The Secretary to the Board of Revenue,
Land Revenue & Settlement, Madras.
R.C. No. 5014-35., dated 8-35-19
Sir,

ASSIGNMENT- HOUSE SITE RULES.

ENCLOSURES _____

Nil

SPARE COPIES _____

I have the honour to address the Board in - reference to the existing rules for the grant of lands in the custody of the revenue department for occupation as house sites and the planning of such areas with a view to their occupation in a manner compatible with the health and convenience of the people.

2. It is probable that the factions which cause so much harm in many villages are encouraged, if not sometimes initiated, by the overcrowding and discomfort which so often exists in an old fashioned village. Some thing can occasionally be done to ease the situation by persuading well-to-do villagers to construct habitable buildings in their own holdings. But this is never - likely to offer a permanent solution of the problem. The people as a whole are village dwellers.

3. This department has in its custody a considerable extent of land in many districts which could be utilised to help in solving not only the rural but also - the urban housing question. My own previous experience has been however that the importance of carrying out this - grave public trust has not been altogether realised. I

P.T.O.

I find indications that point in the same direction in the Chingleput district. And yet here the question is one of vital importance. The Revenue Department is in charge of lands - some of which are valuable potential building sites just outside the boundary of the City of Madras and within Municipal towns like Saidapet: others in areas such as Tambaram which will develop shortly into important centres of population; and others again in ordinary villages where an increasing - population, particularly that of the depressed classes seeks to find an outlet and offers us the choice either of perpetuating insanitation or of taking a substantial step in a wholesome direction.

4. The cause of this failure to grasp the full measure of our opportunities may be due partly to a misunderstanding of the scope of the rules and partly to the fact that the rules themselves lack something of precision. It seems to have been assumed in some districts that B.S.O.21-2(vii) leaves it to the whim of individual officers to decide whether to take action or whether to ignore the whole matter. And further, if a Collector does decide to take action it will become quite possible, not to say probable, that schemes prepared with the intention of carrying them out in the future will, for want of adequate control, quietly disappear. And finally even if a scheme is drawn up and sites are allotted to applicants there is no provision for demarcating plots, with the result that the occupation is likely to be haphazard and the scheme spoiled.

5. The rules governing the grant of Government land for house building are to be found in B.S.O.21, section I of which deals with villages and section II with towns. Section 2(vii) appears to have been interpreted in the Chingleput district at any rate, to mean that it is within the discretion of the Collector to decide whether or not the question of town-

town-planning vacant areas in villages shall be taken up at all. In this district nothing has been done and I have now called for a comprehensive report. As I read it, this Standing order intends that ~~that~~ the Collector shall take up the question and exercise his discretion in each case, not that he has discretion either to consider the subject of ^{village} ~~karnam~~ planning or ignore it. But the wording of the section might certainly be regarded as giving colour to the latter interpretation and I would submit that the point may be cleared up definitely.

6. A further point of some importance may be referred to here. B.S.O. 21 might be taken to refer only to vacant lands registered as 'nattam'. But in making a survey of lands available for extensions, all lands at the disposal of Government should be considered. These may be road or grazing ground or other porambokes or assessed waste near to or adjoining the existing nattams which would be entirely suitable for the purpose and which should be made available for house building on the principle that men are of more importance than crops or cattle.

7. I would next submit that the order itself is not absolutely clear. There are two major operations involved in preparing a piece of ground for occupation. One is to prepare a plan to scale showing each site and the other is to demarcate the boundaries on the ground in accordance with that plan. Section (vii) says that 'vacant sites should be laid out in plots of 10 cents etc.' and later on refers to 'such plotting'. It is not clear whether this 'plotting means plotting on a map. If so, and a plan already exists it is not clear why the Tahsildar when making an assignment ~~to~~ may require the karnams to prepare a sketch of the site and its surroundings.

If section 2(vii) does not prescribe the demarcation of each house site in the ground then it omits to prescribe the carrying out of an operation which is vital to the success of any scheme of extension.

8. Section 2(ix) of the B.S.O. contemplates that " the expenditure incurred in the demarcation of the land and in laying it out as house sites..... shall be recovered proportionately from the parties to whom house sites are granted". This pre-supposes that a layout is limited to the needs of persons who - apply and occupy immediately and seems to conflict with section 2(vii) which contemplates the preparation of a scheme to meet - future long distance requirements by the laying out of suitable plots " in advance". If the policy outlined in section 2(vii) is the true one- and I presume that it is- then we cannot depend - on grantees to pay the cost of demarcation and we are faced with the alternative either of placing on the revenue department the cost of demarcation or of ~~manifesting~~ confining the whole scheme to a paper plan, which, as experience shows, will spell certain - failure.

9. If it is agreed that Government should undertake the cost of demarcation, the question of method arises. Under the existing rules Government pays the cost of subdivision stones. But it is necessary that each angle on the boundary of a block - of sites should be demarcated by a stone. When the ground is level- there is no reason why the village Munsiff should not set the - village menials to lock spit the boundaries of individual house sites. In the exceptional case where the ground is too rough for lock-spitting, a special grant for the planting of additional - stones or cutting of bench marks may have to be made. It would - be easy to ascertain the total cost of planting these block boundary stones for the whole Presidency. I doubt whether it would be very great.

-5-

10. PARA 7(ii) deals with the conditions of the grant. Of all conditions the most important is the position of the house in its site. It is undesirable to lay down too meticulously the actual position of the house but it is absolutely essential that it should ^{face} in an ascertained direction and - that its front wall should be at least so many feet ~~g~~ back from - the front margin of the site and its back wall at least so many - feet from its back margin. Unless such conditions are made and observed it will be impossible to preserve in tact the lines of roads, lanes and drainage.

11. Para 7(iii) deals with the right of re-entry but apparently only when the party has failed to construct. It is not clear what the revenue officer is to do when a grantee infringes the conditions of the grant. It is doubtful whether the Land - Encroachment Act would apply. The Civil Court seems to be the only legal remedy. On the principle that prevention is better than - cure, the earliest construction should be carefully watched by the village officers and higher officers to see that plinths are constructed only within the allowable limits. But unless the boundaries of each plot are clearly demarcated ^{on} the ground it is useless to - expect either grantees or village officers to keep within any - reasonable limits.

12. In preparing a ^{village} ~~xxx~~ planning scheme it is essential to consult the villagers, particularly those who have applied for - sites as to the situation of the blocks and the direction in which - the houses should face. Failure to do this may wreck the finest - paper scheme. The villagers may decline to occupy land because they say it is unlucky or they may occupy and face their houses - in a direction which was never contemplated in the plan. I would - suggest that the Director of Town Planning might be addressed to furnish us with a brief list of simple points which should be attended to in preparing small schemes.

13. The last point to which I beg to draw attention is the absence of any system of maintaining and overchecking such plans as may be prepared. B.S.O. 21-2 (vii) read with App. XVIII provides for a register- the form of which is to be determined by the Collector- to be maintained in the village as a supplement to the register of house sites granted. This supplement consists of a sketch map and lists, not of individual house sites but of blocks available for grant as house sites. It is not at all clear that this supplement makes specific provision for the record of a layout. Even if it does so there is nothing to prevent a dishonest karnam, who objects to being compelled to issue sites according to plan, from ^mtaking away with the sketch and connected papers. No Taluk register of village plans is prescribed. Neither is this important subject mentioned in the annual Jamabandi check memo or Collector's report to the Board.

14. In conclusion I would beg leave to summarise the suggestions made *out. in this report*

(a) It should be the duty of all Collectors to examine the conditions of housing in each village with a view to utilising for that purpose land at the disposal of Government under whatever class it may be registered.

(b) plans should always be drawn up after full discussion with the villagers.

(c) The Director of Town Planning may be requested to compile a few simple instructions for our guidance.

No village plan should be finally sanctioned and

(d) No occupation under ~~xxxxxx~~ should be permitted until the angles of blocks have been demarcated with stones and the boundaries of each site by stones or lock-spitting.

(e) The cost incurred in these operations may be ascertained from each district. It would form a legitimate charge on Government.

(f) Conditions should be laid down to control the position of the house in its site and great care should be taken to induce grantees to observe these conditions when beginning construction so as to avoid difficulties later.

(g) There should be a village and a taluk register of plans to check all returns and the Jamabandi officer should examine each scheme carefully to satisfy himself that it has been properly formulated and is being properly carried out. If necessary these town plans may be made the subject of specific inspection when the Revenue Inspector or Tahsildar visits a village.

(h) The forms of registers may be prescribed by the Board.

abn. 15/8

Q. 17.8

COLLECTOR.

6825

In reply, please quote
number, date and
short title.*

Received.....Registered.....

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) Collector,
Post Box....., (Station) Chittoor.
Telegraphic Address.....

To

Mr A.R.C. Westlake Esq., I.C.S.,
Secretary to the Board of Revenue,
Land Revenue & Settlement, Madras.
D.Dis.No.26 Confd., dated 15-11-1935. 19
Sir, 35.

ENCLOSURES.....

SPARE COPIES.....

* ASSESSMENT - LAND REVENUE - LANDS IMPROVED WITH
THE AID OF STATE LOANS - ENLARGEMENT - AMENDMENT TO THE
LOAN RULES.

* * * * *

1. I have the honour to submit the proposals --
called for in Board's Confidential Reference No. F. 3370/
35-1 dated 3rd September 1935.

2. It has always been the policy of the Madras
Government to leave to the ryot the whole benefit derived
from the improvements which he makes in his land at his
own cost. They do not base any enhancement of the assess-
ment on the increased productivity of the land which may -
result from such an improvement. But it must be fully --
realised that the term 'improvement' as used in connection
with the land revenue policy bears a restricted and not a
general meaning. It is possible that the words in which
the Governments of India and of Madras have clothed their
policy in regard to taxing the increment have been lacking
in precision; but of the nature of that policy in the -
Presidency there has never been any doubt. Whatever --
interpretation ingenious lawyers may give to the term -
'improvement' it has borne a special and restricted meaning
both in the intention of Government and in the actual --
operation of their policy and rules, a meaning which has
for years been well understood and accepted by the ryots.

3. But when we come to improvements effected with the aid of loans from Government under the Land Improvement Loans Act, we pass from the realm of policy to that of statutory obligation. Section 11 of that Act lays down that, with two exceptions, the results of all the improvements effected by -- Government loans shall be immune from an enhanced land revenue assessment. Government have recently had occasion to examine the exact extent of this immunity and have reason to believe that the term -- 'improvement' as defined in Section 11 of the L.I.L. Act has a wider meaning than that hitherto understood and acted on in carrying out their established policy. Consequently cases might arise where a borrower under the Act would be entitled in respect of his improvement to a privilege which would be denied under the existing policy to a man who effected a similar improvement at his own cost. This would be clearly inequitable and anomalous. Government naturally desire to put ryots carrying out improvements by means of loans under the L.I.L. Act on the same footing as those -- carrying them out at their own expense.

4. To give effect to this intention there are two alternatives, either to widen the scope of the existing policy so as to extend the privilege of exemption from enhancement to classes of cases -- which have not previously enjoyed it, or in the alternative, to alter Rule XVII framed by the Local Government under Section 11 so as to decline to make loans under the Act which would give the borrowers under the Act a privilege which they would not possess if they made the improvement at their own expense. I am -- personally of opinion that it is undesirable to -- deviate from the established policy which has been in

in existence for over a century. I therefore propose to analyse the problem with a view to devising rules to -- restrict the issue of Government loans where necessary.

5. THE PRESENT POLICY:- The policy of the Madras Government in respect of exemption from ^{absolute} -- enhancement of revenue has been objective and not subjective. It has been directed mainly towards encouraging the sinking of wells on dry lands and the consequent conversion of dry crops to garden crops, as an insurance against -- famine. This has been its main, if not its sole intention. The Government has certainly not regarded improvements, for the purpose of this policy, as coincident with the various operations so denoted in the Madras Estates Land Act I of 1908 or the Malabar Compensation for Tenants' Improvements Act of 1899. These two acts define the term 'improvement' for special purposes which differ from the special purpose of Government's policy. For the purpose of immunity from enhancement of assessment Government have never interpreted the word 'improvement' to include the reclamation of land from rivers or the bringing of waste land under dry cultivation; the conversion of dry to wet; or, in Malabar, the conversion of wet to garden or garden to wet lands. There is a principle underlying this restriction of the meaning of an 'improvement'. Government have never extended the privilege of immunity to the result of improvements which involve a change in the type of cultivation, that is, in effect, in the settlement classification of the land.

6. THE L.I.L. ACT: - While the policy of Government is directed primarily to the encouragement of a particular type of improvement, the L.I.L. Act in Section 11 bestows a privilege on improvements in general, restricting in sub section (1) the wide scope of the privilege in two

two cases only, namely, when it consists of the reclamation of waste land or the irrigation of land assessed at unirrigated rates. The addition of the proviso does not bring the definition an 'improvement' within the meaning of the section into line with its meaning in general land revenue policy. The section would include improvements consisting of the conversion of dry lands to 'garden' or 'garden' to wet and vice versa, which are not held to be 'improvements' when carried out by the ryot by his own unaided enterprise.

7. RULE XVII:- In the Chittoor District the problem under discussion is not one that assumes important proportions. Such conversions as take place with the help of Government loans are -- trifling in extent as compared with those in Malabar. It is, however, desirable that any rule framed under the act should be in conformity with the declared policy of the Government. I submit that ^{it} is out of the question to attempt by Local Government rule or Executive order to give any term in the L.I.A. Act a meaning other than that which it will bear by a strict interpretation in the legal sense. As it stands the word 'improvement' cannot be made to agree with its meaning according to the policy followed in the Madras Presidency. It is necessary, therefore, to recast Rule XVII so as to -- define accurately those 'improvements' and no other -- using the word 'improvement' in its wide sense -- for ~~which~~ *which* the Executive Government is prepared to grant loans -- and those for which it is not prepared to grant loans. Subject to obtaining a legal opinion on the point, I would suggest an addition to the existing Rule XVII on the following lines:-

"Loans should be granted only for

for improvements, other than those specified in sub-section (1) of section 11 which do not involve a change in the type of cultivation of the land so improved corresponding to a change in its settlement classification. The Board of Revenue shall have power to determine the period referred to in sub section (1) of section 11 of the Act."

8. EXECUTIVE ORDERS: -

As an executive order I would -- suggest the following, the loan order form being amended accordingly:

(a) "The main object of the policy of -- Government in exempting from enhancement of land revenue assessment, lands which have been improved by the ryots at their own expense is to encourage the sinking of wells in dry lands to enable garden crops to be grown, as an -- insurance against famine. Loans may therefore be granted by Government for sinking wells in dry or wet lands.

(b) Loans may also be granted by Government for the purposes defined in B.S.O.17.

(c) Loans may be granted by Government for improvements of other kinds but should not be so granted where the improvement involves a change in the type of -- cultivation which would correspond to a change in the -- settlement or resettlement classification.

(d) Loans may however be granted for the -- purposes mentioned in sub section (1) of Section 11 of the Act and also for sinking doruvu wells, provided the -- borrower agrees, as one of the conditions of the loan, to pay assessment on the land when improved on whatever crop is grown therein at any time, according to the rules in the Board's Standing Order for imposing assessment on that -- particular type of cultivation.

(e) Should it be considered necessary, for

for special reasons, to postpone the levy of --
enhanced assessment on the increased productivity of -
the land resulting from the loan, the matter will --
receive the special consideration of the Board of
Revenue, who will be empowered to sanction a period of
immunity which may extend to the termination of the --
existing settlement."

DJ.17-11.

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17-11 3/17-11-35

my
Collector.

Ref.
39 Confdl/ 35

Office of the Collector,
Chittoor, dated the 22nd Novr.
'35.

From

P. Macqueen Esquire I.C.S.,
Collector,
Chittoor.

To

The Secretary to the Board of Revenue,
Land Revenue and Settlement,
Madras.

Sir,

ASSESSMENT - LAND REVENUE - FASLI 1345 - NEED FOR
GRANT OF CONCESSIONS - REPORT.

REFERENCE : Board of Revenue No. Confdl M 7052/35/1
dated 21-10-35.

I have the honor to reply to the
Board's reference Confdl No. M. 7052/35/1 dated 21st
October 1935. I regret that there has been a slight
delay in doing so, which is due to my movements in
camp.

2. PRICES : During the period -
January to October 1935 the prices of rice, of -
gingelly and of the dry grains - ragi, sajja, jonna
and horsegram have fluctuated very little in any -
part of the district. The price of paddy 1st and 2nd
sort has also been steady throughout that period -
except during the month of October in Madanapalle -
taluk, where 1st sort paddy has risen in price from
14 to 13 seers to the rupee and 2nd sort from 16½
to 14. The price of sugarcane rose steadily -
throughout the district from January to June and July
and has somewhat declined since then. The price of
groundnut in the taluks of Madanapalle and Vayalpad
rose to a maximum in April and May and declined -

thereafter approximately to its January level. In the taluks of Chittoor, Punganur and Venkatagirikota the price maintained its level throughout the period. In the taluks of Chandragiri, Tiruttani and Palmaner there have been a slight upward and in that of Puttur a slight downward tendency. Speaking generally the price of groundnut shows a stationary or slightly declining tendency.

3. GENERAL SITUATION : The season is, on the whole distinctly a good one, especially in the taluks of Madanapalle and Vayalpad which have been most in danger of famine. Apart, however, from three successive bad seasons the ryots still suffer from the general depression caused by the low level of prices. The Tahsildar of Chandragiri makes the significant remark that " the economic depression is deep-rooted and has been existing for the ~~past~~ ^{last} ten years." Generally speaking the sale value of the land has fallen to half what it was ten years ago and since 1930 this fall has been gradual. There has been some reduction in the money wages of labour though not throughout the district. In the Kalahasti taluk the labour is generally paid in kind. The loss by ^a fall ⁱⁿ of prices falls therefore on the ryot and there is no adjustment of wages to prices.

4. PROPOSALS : The kist season in this district is from December to March in all the taluks except in Palmaner where it is from January to April. Out of the 5 Tahsildars and 5 Deputy Tahsildars 4 Tahsildars and 3 Deputy Tahsildars propose a suspension of a portion of the dry and wet assessment at one anna and one anna three pies, per rupee as last year. It is, however, significant that at a ryots' conference which I summoned at Tirupati on 15th October 1935, the main subjects for discussion concerned irrigation, followed next in importance by forest matters, and question of the kist was never even alluded to. So far as I can ascertain it is only in the taluks of Madanapalle and Vayalpad that the effects of previous bad seasons combined with trade depression would justify a suspension of the kist collection. I have talked the matter

matter over this with the Sub Collector and am inclined to agree with his view, formed after sounding the ryots in casual conversations that a suspension of the December kist would be justified by the lateness of the groundnut crop and would be a concession much appreciated by the ryots. The most convenient time for both Government and the ryots in which to collect the suspended kist would be in the month of February. I have received a request from the Madanapalle Sub divisional Ryots' Association for the postponement of the collection of the December kist to January. In these two taluks the wet crops will not be reaped in time to pay for the December kist. The dry crop harvest is now concluding. The groundnut crop is promising. But it is late this year and the ryots have to depend mainly on the sales of this crop to pay the December kist. The nuts will not be pulled till well into the month of December and must be dried before they can be sold. Unless the ryots are given a reasonable time in which to find a market the quantity of groundnut competing for rapid sale is likely to force down the price to an abnormal level and cause loss to the seller. I, therefore, recommend that in the taluks of Madanapalle and Vayalpad the December kist may be suspended and be collected in the month of February along with the February kist.

P. R. Venkatesan
For Collector.
22-11-35

Copy to Collector's file.

In reply, please quote
number, date and
short title.

REVENUE DEPARTMENT.

Received _____ Registered _____

From (Name) **P. MacQueen Esq., I.C.S.,**
(Designation) **Collector,**
Post Box _____, (STATION) **Chittoor.**
Telegraphic Address _____

To

The Secretary to the Board of Revenue,

Madras

F.45. Confdl. No. **44/35**, dated **13th Decr. 1935**
Sir,

* EXCISE: TOBACCO - ACT - ADMINISTRATION - AGENCY.

Ref.- Refce. Confdl. P. 2857/35-3 dated 17.11.35.

ENCLOSURES

one

SPARE COPIES

The main operations under the Tobacco Act will be threefold, namely the assessment and collection of the tax and preventive work.

ASSESSMENT: This will give rise to the following operations.

(a) The village headman will make the preliminary lists of vendors.

(b) Before these lists are submitted to the Taluk Office, to be entered in the Taluk register of licences, they will presumably be subject to the check by the Tobacco Officer. This check will involve a certain amount of local inspection and enquiry. It may however, be noted that ^{after} the district lists have been compiled for the first years' working of the Act, the preparation of the lists for the subsequent years will not be very difficult. It will also be ⁱⁿ the interests of the vendors themselves to ensure that the headman includes their names in his register.

(c) LICENSING: Approximately 4000 licences are likely to be issued in this district. The work of preparing and issuing licences in the Taluk Office will not take more than one or two months.

3. COLLECTION: (a) Most of the collection work in the Taluk Office should be completed within two months. It is therefore considered that, taking the work of licensing and collection together a temporary addition of a clerk for a period of 3 months, will be necessary for each Taluk Office.

(b) In the Collector's Office the work of preparing a monthly Demand, Collection and Balance statement and such other returns as may be prescribed and of conducting general correspondence with the Commissioner and the various local officers is likely to absorb most of the time of ~~the~~ one clerk throughout the year. It is therefore proposed that an additional clerk should be added to the establishment of the Collector's Office.

4. PREVENTIVE WORK: The prevention and ^{enquiry} ~~enquiry~~ into offences under the Act should be entrusted to an officer of a status not less than ^{that} of a Sub Inspector of Excise and for this purpose he will require a peon. It is suggested that his jurisdiction might extend to 3 taluks.

5. REVENUE INSPECTORS: It is suggested in the Commissioner's reference number read above that the Revenue Inspectors may be given the power of checking the vendors' lists and of doing preventive work. The following difficulties suggest themselves:-

(a) The work of check will require the making of local enquiries over extensive area and I doubt - whether the Revenue Inspectors will find it possible to make them in addition to their ordinary duties.

(b) The Revenue Inspectors in this district have no jurisdiction at present over extensive Zamindari areas and if they are to be ordered to tour in these areas

in addition to their ordinary duties, the fulfilment of their ordinary duties will be seriously retarded.

(c) Preventive work would involve the making of rapid visits to various places to hold enquiry into suspected offences. This would make a further serious in road, on a Revenue Inspector's time.

(d) If the principles suggested above of giving the preventive officer a status atleast equal to that of a Sub Inspector of Excise be accepted it would then be impossible to entrust the work of holding enquiries and making searches and arrests to the Revenue Inspectors.

(e) Finally the officers of the Land Revenue Department are not trained to do preventive work of the kind which is normally entrusted to officers of the Excise Department.

6. My proposals would, then, amount to this.

(a) that each group of 3 taluks, a tobacco officer be appointed on a pay of Rs. 60 - 90 with a fixed travelling allowance of Rs. 25/- and with one peon on Rs. 15 - 20 with a fixed travelling allowance of Rs. 6/- per mensem.

(b) If the preventive work is not to be entrusted to ~~the~~ the Excise Department, the tobacco officer may be appointed as a subordinate to the Collector. It would however be better to make the preventive work a part of the Excise Department's work.

(c) that in each taluk office one clerk on Rs. 30 - 55 be appointed annually for 3 months.

(d) that in each Collector's Office an additional clerk be added to the establishment on Rs. 30 - 55.

7. A statement showing the approximate cost of the establishment proposed for this district is enclosed.

M.A.13.12.

COLLECTOR.

Statement showing the cost of the proposed establishment
is noted below.-

P a y.		Cost per year.
1. 3 tobacco officers for 9 taluks in the grade 60 - 90 for 12 months.	Cost at Rs. 75/- per officer per month.	Ra. 2700.0.0
2. 1 Clerk in the Collector's Office in the grade of 30 - 55 for 12 months.	Cost at 42½ rupees per month.	505.0.0
3. 9 Clerks in the 9 Taluks for 3 months - in the scale of 30 - 55.	Cost at 42½ rupees per month per clerk.	1136.4.0
4. 3 peons to the Tobacco Officers in the grade 15 - 20 pms for 12 months.	Cost at 17.7.0 per month per peon.	637.3.0
5. Travelling allowance 3 Tobacco Officers for 12 months.	At Rs. 25/- per month per each.	900.0.0
6. do. 3 peons.	at Rs. 6/- per mensem per each.	216.0.0
		- - - - -
		Total. 6094.7.0
		- - - - -

m.a.13.12.

12.12

4/6
Collector.

D.O.

Chittoor Dist. Magistrate's Office
Camp Palmaner, dated 23.12.1935.

My dear Colam,

I have recently noticed that a large number of persons have been prosecuted by the railway for travelling without tickets and I have been wondering whether these prosecutions could be managed on more effective lines.

2. The cases charged in this district *have* mostly been tried by the Sub Magistrates of Tirupati and Puttur. Out of 69 cases filed in 1935 in the ^{*court*} charge of the Sub Magistrate, Tirupati, 2 were withdrawn on payment of excess fare by the accused before the trial began, in 8 the accused were convicted and the fines and excess fare recovered and 59 ended in conviction and jail, the fines and excess fare being found to be irrecoverable. In the charge of the Sub Magistrate, Puttur, out of 20 cases convicted, the fine and railway fare was recovered in only 6.

3. The great majority of the people charged and convicted for this offence seem to be mere beggars and wanderers. Some are coolies. They cannot pay the fine and excess railway fare imposed on them by the Courts and consequently - have to serve terms of imprisonment in default. My impression is that most of these people who crowd ^{*our*} in jails are quite satisfied to be the guests of His Majesty's Government for a month or so at a time.

4. The procedure of prosecuting offenders presumably involves expense to the railway, ^{*just as that of the*} incarcerating them causes expense to Government, and has other undesirable results from the jail point of view.. Such expenditure can only be justified

if it produces the desired results. I think the first object to aim at is to produce the right ^Yfame of mind in the more respectable section of the travelling public towards the offence of cheating the railway and - perhaps the most effective way would be to confine prosecutions mainly to cases of offenders known or reasonably assumed to be able to pay excess fare and penalty. These cases might be given a special publicity and the railway might urge the Courts to impose deterrent sentences. In a word I would suggest that we might try the effect ^{of} making prosecutions, selective, giving them special press publicity and specially moving the Courts to impose deterrent sentences. I should be quite willing to instruct my Sub Magistrates to give heavy fines in the case of those able to pay them.

. With kind regards.

Yours sincerely,

To

H.N. Colam Esq., B.A., (Cantab.), M.I.C.E.,
Agent, M. & S.M., Railway, Madras.

ROUGH DRAFT:

Twelve warrants have issued during the last 5 years under Section 48 of the Madras Revenue Recovery Act to enforce the recovery of arrears. Three of these were in respect of Abkari arrears and nine for arrears under Loans Act. The Section was not employed in respect of arrears of land revenue. The three warrants for Abkari arrears were served and resulted in imprisonment. Three of the warrants issued in loans cases resulted in imprisonment, the other six were not served, as the arrears was paid up. The following table shows the terms of imprisonment undergone.

Year.	Nature of arrears.		Imprisonment.	Arrear.
	Abkari.	Loans.		
1	2	3	4	5
1931	1	...	6 months.	Written off.
1932.	...	...	2 months.	"
1933.	.1.	...	2 months.	"
		1	3 months.	"
1934	.1.	...	3 months.	"
		1	Released after 14 days imprisonment.	Paid up.
1935.	...	1	Released after 9 days imprisonment.	"
	3	3		

2. The fact that the penal section was not employed in the collection of land revenue is probably due to the ^{very} rigour of land revenue collection being so generally mitigated by remissions and suspensions and to the ^ease with which, in the average district, Government can realise an arrear by attaching and selling the land. On the contrary the security, whether direct or collateral, for abkari and loan payments, not infrequently fails to materialise and offers much greater room for fraud. Out of the six cases resulting in imprisonment, the penal procedure was successful in only two, both of these being concerned with loans arrears. The type of man who borrows money for improving his land or

stock is not usually given to fraudulent withholding of repayment. It is doubtful whether these cases can be taken to establish the utility of the section.

3. The powers given by section 48 derive ^{historically} from a period of land revenue administration in which imprisonment for simple default of payment of revenue was a recognised principle. It is true that the section demands that an officer "shall have reasons to believe" that fraud or wilful withholding exists. Nevertheless it gives extremely arbitrary powers to the Collector which, under Section 50, he may even delegate to a subordinate. Nor is it clear, from a careful reading of the section what is the extent of those powers. The question might conceivably arise whether a Collector or his deputy is bound to release a defaulter on payment of the arrear or whether he is empowered to keep him in prison for the maximum period allowed under the section, as a punishment, or an example. ^{Few} Governments or individuals are safely to be entrusted with powers like these and it is to the credit of our administration that, hitherto, grave abuses have not arisen. But that no serious inroads have been made on individual liberty in the past is no guarantee that in future, the liberties of the subject will be respected. So long as the motive of the officer concerned is purely that of collecting the dues of Government, the causes of danger to private individuals are limited to that officers credulity, inexperience, hastiness or undue severity. But if motives whether public or private, unconnected with the technical operations of collecting the revenue, enter into it, a reign of terror might very well ensure. In my opinion it is hardly provision that agrees with British principles of individual liberty nor one which should be saddled on the new Government which is shortly to assume the control of affairs in this Presidency.

Collector.

Camp Patman, Chittoor Dist.

FURNITURE - FURNITURE AND STORES - CUSTODY OF.

I have the honour to reply for the orders of the Board to clear certain doubts as to what are the present rules in force regarding the custody and check of office furniture and stores and as to the exact scope, form and methods of check of the registers to be maintained.

2. Terminology

The confusion which tends to surround the subject is due, in no small measure, to the indiscriminate use of certain terms. Article 193 of the Madras Financial and Account Code speaks of 'Stock registers or inventories'. Section heading II, below, reads 'Stock accounts'. Article 194 speaks of 'Store accounts' while Article No. 196 is headed 'Inventory'. In the body of article 196, however, it speaks of an 'account' and in the Form 22-A, presented under it, a 'ledger.' The word 'inventory' in this connection is inappropriate. Turning to G.O.No. 710 dated 4th August 1920, we find inventories spoken of in para III but described as 'registers' in the Annexures. In this letter I propose to use only the terms Stock, Ledger and Inventory, in the following senses,

- (i) Stock Ledger - as in Form 22A, Madras Financial and Account Code - being a book showing, in bulk, under each kind of article, additions made to and subtractions from the stock
- (ii) Inventory - i.e. the 'stock book' prescribed in Board's Resolution No. 1488 dated the 1st May 1936 - being a register proper, allotting numbers to individual articles for the purpose of identification and check.

3. Orders in force.

The registers that should in any case be maintained are two in number viz.,

- (i) Ledger of office stores and furniture in Form No. 22-A, under Article 196 of the Madras Financial and Account Code
- (ii) Inventory (Stock book) of office furniture, Form not prescribed, under Board's Resolution (Misc.) No. 1488 dated the 1st May 1936.

The ledger is an abstract of transactions, showing the total additions and subtractions of each article and is not a

Can suitably confer on
 a suitable register from which an individual article can
^{by} derive the number with which it ^{can be identified} should be distinguished
 for purposes of identification. While such articles as
 manuties need not be marked with individual numbers and
 while articles such as bicycles ^{or} typewriters generally
 bear maker's names and numbers which are sufficient to
 identify them, it is desirable that articles of furniture
 proper should be numbered individually. The inventory
 was recently prescribed by the Board to serve the purpose
 of allotting individual numbers to articles of ^{furniture} stationery
 and to be used as the primary record for the purpose of
 periodically checking those articles. It will be
 observed that the inventory includes articles of furniture
 only and not articles of stores and it is presumed that this
 distinction is intended.

4- Board's Resolution No.1488 refers to G.O.No.710
 Finance dated 4th August 1920. I request orders as to
 whether ^{the inventory of furniture is to be maintained in the form} this G.O. is to be regarded as having been superseded ^{from in Annexure A of G.O. No 710.}

This G.O. in para III, directs that the following separate
 inventories should be maintained, in addition to the stock
 ledger prescribed by G.O. No. 196 of the M.F.O.A.C.,
 (i) Office furniture

(ii) Office stores including such articles as safes,
 locks, clocks, cycles etc.,

The inventory of office furniture is to show each article
 separately and the form is given in Annexure A. The form
 of inventory of office stores is given in Annexure B.

5. Marking articles of furniture
^{by Board's Res. no. 1488}
 It is presumably intended that each article of
 furniture should bear a letter indicating the section in
 whose custody it is and a number derived from the serial
 numbers given in the inventory.

6. Custody and Check.
^{that}
 The stock register prescribed in Board's Resolution No.1488
 is for furniture only. I presume that 'office stores'
 should be checked with the stock ledger in Form 22-A and

and the certificate of check furnished ^S usually in the
 same manner and at the same time as prescribed for
 office furniture. While in the case of office furniture
 provision is made in Board's Resolution No.1488 for
 recording the transfer of articles from clerk to clerk, no
 suitable machinery has been prescribed for the transfer
 of stores, many of which, such as typewriter or bicycles are
 much more valuable than furniture.

7. The form of inventory (stock book) of furniture
 prescribed in ^{the} Board's Resolution No.1488 has not been
 given. I request orders whether the following, which is
 adapted from Annexure A of G.O.No.710 dated 4th August
 1920, may be adopted.

- Column 1. Serial No.
2. Date of receipt into office
 3. Description of article
 4. Remarks of the officer at the time of stock taking

Note. The serial No. in column 1 is the No. to be
 painted on the article

8. Transfer of charge.

The Board's Resolution directs that in addition to
 the inventory (stock book) a list of the furniture in each
 section shall be kept by the section head. When a clerk
 takes over a seat, he is, apparently, to acknowledge
 receipt of the furniture both in the inventory and in the
 list. The number of ^{entered by clerk} ~~clerk's~~ initials in acknowledgement
 will soon fill up a great deal of space and it is for
 consideration whether it is desirable to record them in
 the inventory (stock book) which is ^{important} ~~a~~ permanent register.
 If they are to be recorded in the inventory space must be
 specially provided for as, for example, by having leaving ^{in the space} ~~leaving~~
 spaces between the entries of each article. It would
 seem sufficient if these initials were entered in the
 section lists. But I would submit that the simplest

In reply, please quote
number, date and
short title

-4-

simplest way would be to make the Section Head at all times personally responsible for the correctness and completeness of the articles in his section, *including in checks in this, if necessary, with the list only*
9. Annual Check

I presume that under Article 196 of the Madras Financial and Account Code the annual verification of furniture prescribed is to be accompanied by a verification of office stores also. Article 196 does not contemplate the maintenance of an inventory in addition to a ledger of furniture and stores. It has been found necessary to maintain an inventory (stock book) for furniture. It therefore seems necessary that the annual verification of furniture and stores should include an agreement with the entries in the *with the appropriate certificate* stock ledger and inventory. Article 199 of the Madras Financial and Account Code directs that a report of the verification of office furniture and stores should be made annually to the controlling authorities. I request orders as to whether the Collector should submit to the Board ^{annual} a verification certificate for all the furniture and stores in the custody of the officers under his control ~~in this~~ and if so in what form and by what date.

10. I summarise here the points in doubt

- (i) Whether G.O. No. 710 dated 4th August 1920 has been superseded-
- (ii) Whether the inventory (Stock Book) prescribed in Board's Resolution No. 1488 dated 1st May 1936 is intended ~~only~~ only for furniture
- (iii) Method of marking furniture
- (iv) Whether office stores should be checked annually with the stock ledger in Form 22 -A at the same time as the furniture is checked.
- (v) Who is responsible for the correctness of stores and how their transfer of custody should be recorded. *Should*
- (vi) In what form the inventory prescribed in Board's Resolution No. 1488 should be kept
- (vii) Whether it is desirable for the above inventory to be used as a record of the transfer of charge from clerk to clerk and whether it would not be better to make the section head at all times personally responsible.
- (viii) Whether the certificate of annual verification of furniture and stores should be submitted to the Board and if so when and in what form
- (ix) How the stock ledger and inventory should be checked *with one another.*

REVENUE DEPARTMENT. INDEBTEDNESS.

Received _____ Registered _____

From (Name) P. Macqueen, Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (STATION) Ootacamund,
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

D.Fis.B2 No. 4733/35, dated January 19 36
Sir

ADVANCE - LOANS - AGRICULTURAL (Madras Amendment) ACT, 1935 - RULE - FORMING PROPOSAL

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Refce: Board's Resolution No. 4308, dated 12th November 1935.

--

Two separate areas have to be considered in this district, the Gudalur Taluk on the one hand and the Ootacamund and Coonoor taluks on the other.

2. In the Gudalur Taluk the typical small holder is the Chetty, who is ignorant, illiterate and poor. The well to do Chetty land holders are suspicious of taking loans from Government:

(a) as they fear the possible effect on their credit of the publicity given to their affairs by the preliminary enquiries;

and (b) they do not relish the certainty with which Government can collect arrears by the sale of their holdings.

In practice they prefer to raise money from money lenders outside their own caste.

3. The typical cultivators in the Ootacamund and Coonoor Taluks are the Badagas. They have suffered from the advent of artificial manure and the depression of the potato market, nor have they learnt to adjust their resources to an increasing population. Their holdings

holdings are seldom economic, being usually small and held jointly by an excessive number of pattadars, the numbers so jointly registered sometimes reaching even a hundred. The interest of a particular joint owner of land would usually be too small to afford security for a loan of any size. The joint holders will be very averse from allowing any portion of the holding to be subdivided.

4. Under the special conditions of this District, therefore, I do not think that the ryots would be able to provide the security contemplated by the rules for obtaining advances for the relief of indebtedness.

M.K.N. 30-1-1936.

[Handwritten signature]
30-1-36

[Handwritten signature]
3/2

Collector.

1/2

C.F. 32.

In reply, please quote number, date and short title

RESETTLEMENT

Revenue DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqu en, Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (STATION) Ootacamund.
Telegraphic Address _____

To

The Joint Secretary to the Board of Revenue,
Madras.

F.C. Al No. 464/36, dated 2nd February 1936.

Sir

* SETTLEMENT - RE-SETTLEMENT - POLICY REGARDING
FUTURE RE-SETTLEMENTS - V LAND REVENUE - RECEIPTS
REVISED ESTIMATES FOR 1935-'36 AND BUDGET ESTIMATES
FOR 1936-'37 - MODIFICATION.

Reference:- (i) Board's Ref. F.No. 431-34-19, dated
18th January 1936, and
(ii) F.No. 361-35-1, dated 23rd January
1936,
(iii) No. F. 361-35-2, dated 29th January
1936.

The Settlement staff has only just started work and it is now too soon to say whether the programme of work contained in the Special Assistant Settlement Officer's report referred to in the first of the reference quoted above can be carried out strictly to time. According to his forecast, the last batch of survey records can be expected only by the middle of May 1936 and thereafter the Settlement staff will have to complete their part of the work. It will not, therefore, be possible to collect the new rate of assessment in the official year 1935-'36.

2. After the survey staff has completed its work, the Settlement staff will have to perform the operations enumerated in paragraph 1 of the Special Assistant Settlement Officer's letter referred to in the first of the Board's Reference quoted above. To complete all these items, a period of two months from the date on which the last batch of survey records is received by the Settlement staff may be required, according to the Special Assistant Settlement Officer, that is to say, two more months will be necessary from the middle of May 1936. That will take

us at least to the middle of July 1936. It will not, therefore, be possible to collect the new rate of assessment in the Fasli year 1935-36.

3. Even assuming that the Resettlement work could be pushed through so as to leave some time in Fasli 1345 itself to collect the additional assessment, I submit that the collection of this additional assessment in Fasli 1345 is open to the following objections:

(a) It has not been notified that the revised rates will be introduced and collected in the current fasli i.e. Fasli 1345.

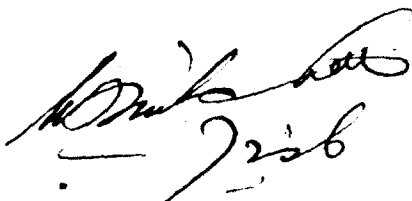
(b) The collection will have to be made long after the conclusion of the Kistbandi, the kist months for the tract in question being December, January, February and March. It would appear to be an abnormal procedure to collect the difference between the old and the new rates after the normal kist months are over.

4. It may be argued that the classes of people mainly affected by the Re-settlement will be the planters, Indian and European. But under the proposals for Re-settlement certain classes of lands other than those cultivated with special crops are also to be assessed at revised rates. (please see the last sub para of para. 3 of the proposals for the resettlement - Board's Reference No. F-431-34-15, dated 8th November, 1935). Certain ordinary ryots will therefore come under the resettlement scheme and it will not be desirable to make a distinction in the matter of collecting at the new rates between ~~the~~ planters and other classes of ryots.

5. Collection of the additional assessment in the current fasli will therefore be difficult and open to certain objections on the ground of policy.

6. As the Board has called for my report by return of post, I am submitting this report subject to any modification that may be necessary on receipt of the Sub Collector's remarks which I have called for.

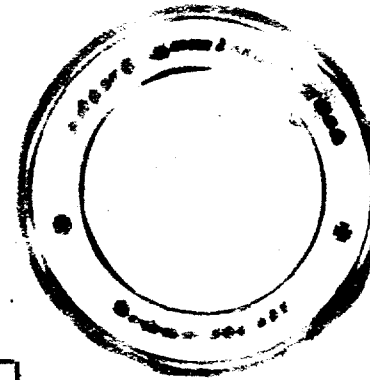
K.B.N.2/2a


for Collector.

Magisterial DEPARTMENT.

Received 19 . Registered 19

Subject.

BILL - ANIMAL SACRIFICE.
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ENCLOSURES.

No.

Spare copies

No.

Station Ootacamund, Dated the 12th February 1936.

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) District Magistrate, the Nilgiris.

To The Secretary to the Government of Madras,

Law (General) Department.
Madras.

Sir,

Reference:- Government Memorandum No.20 B-1, Law
(General) Department dated the 31st
January 1936.
2. Government Memorandum No.20 B-2, Law
(General) Department dated the 6th
February 1936.

Animal sacrifice is prevalent in the Nilgiri district,
as in other districts in South India with which I am
acquainted. Both the Todas and the Kotas sacrifice
buffaloes. The Badagas, the chief cultivating caste in
these hills, sacrifice goats and cocks at their annual
festival, as do also the Vellalas at their Mariamman
temple in Ootacamund. The Kurumbas sacrifice cocks.

Other examples of animal sacrifice could doubtless be adduced, but I have had no time to make detailed enquiries in that regard. Probably the majority of Hindus and some Muhamadans in the Tamil districts of this Presidency sacrifice animals.

2. Any attempt to put down the sacrifice of animals is likely to be resented as an interference with religious observance. Government has certainly a right to prevent sacrifice being conducted with unnecessary cruelty. But beyond that, interference would be dangerous. If legislators are allowed to assume that animal sacrifice is not a feature of religion and to prohibit it on the ground that it is distasteful to certain members of the public, then they may go further and prohibit the slaughter of animals for food. To do so would interfere with the domestic economy of every community in this province and would be a serious inroad on individual liberty.

3. The Bill appears to me to be very loosely drafted.

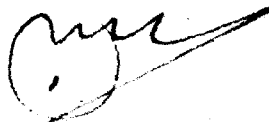
(a) The statement of objects and reasons says "these animals are slaughtered in a manner which is most crude and causes needless pain to and inflicts unnecessary cruelty upon the animal sacrificed." It is right for Government to prevent cruelty and if it cannot be done under the existing law then legislation may well be passed to prevent it. But to achieve this purpose it is going quite beyond the necessities of the case to prohibit animal sacrifice altogether.

(b) The statement further speaks of "public places of devotion". I do not know of any such. The Hindu temples are religiously guarded from intrusion by persons of other religious and even of some persons who are nominally of the Hindu religion itself. Apparently there are two parties amongst the Hindus, those who consider that animal sacrifice is a necessary sacrament of their religion and others who are opposed to it. It would be a very dangerous thing for the legislature to take sides in the dispute by passing any

any legislation which favoured one side or the other.

(c) The statement also says "animal sacrifice for the propitiation of a deity or in fulfilment of a vow is against the principle of every true religion." This very sweeping dictum would condemn the Jewish religion. It would also condemn the Hindu religion itself, if we are to consider several millions of people in this province who sacrifice animals in the conduct of the worship of that religion. The bill is a mere expression of puritan opinion which cannot be accepted as a basis for legislation.

4. In short, the objections to this Bill stand not so much on the ground of difficulties that might arise from Hindus from other provinces feeling aggrieved at the practice of an article of their religion being prohibited in the Bombay Presidency, but because the principle of the Bill is unsound, and it violates the principle of individual liberty and would if it were passed into law, form a most dangerous precedent.


District Magistrate.
12.2

REVENUE DEPARTMENT.

Received 19 . Registered 19

Subject.

BILL - THE REMOVAL OF CIVIC DISABILITIES BILL BY RAO
 BAHADUR M.C. RAJAH.M.L.A.

ENCLOSURES.

No.

Spare copies

R.Dis No. 3003/36

Station Ootacamund, Dated the 10th July 1936.

From (Name) P. Macqueen, Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Ootacamund.

To The Secretary to the Government of Madras,

LEGAL Department.

MADRAS.

Sir,

Ref:- Government Memorandum No. 228-Q-4, dated 29th May
 1936.

I consulted certain individuals and associations. Their
 opinion is summarised below:-

2. Dewan Bahadur S.K.Sundaracharlu of Coonoor suggests
 that the expression "Severely discouraged" in the last
 sentence of the preamble is unnecessary and suggest scoring
 out the word "Severely". He ~~suggests~~ suggests scoring out "or
 backward classes or the like" in clause 2 as the phrase "or
 the like" conveys no definite meaning. As for the backward
 classes he says that it is well known that there is no
 segregation in their case, that the thorny question of

of Mohammadans will drop up if the Bill covers the Backward classes, and that he is not aware of any civic disabilities that the depressed classes suffer, as theirs is an economic question and their own self help ought to be able to raise their social status. He considers that the object of the Bill is laudable as it aims at social justice and that the real success of India depends on the measure of happiness and liberty brought to the depressed classes. He says that in his own career as Deputy Collector he has seen several magisterial cases being conducted where members of the depressed classes were asked to stand outside the court to give evidence or to answer a charge and that he is not at all sure that the last paragraph of the Bill provides for such members being treated as ordinary human beings and allowed inside the court. He says that subject to the above remarks he is of the firm opinion that the Bill must be supported.

3.T.V.Chathukutty Nair, Agent to the Tirumulpod of Nilambur, Gudalur.

His opinion is that the Bill is a longfelt need and that the majority of caste Hindus are now certainly in favour of removing the civic disabilities imposed by the recognition of such customs and usages by courts and other statutory bodies.

4. Capt.R.Fajagopalan, Gudalur.

He is entirely in favour of the Bill.

5. The Bar Association Ootacamund was also consulted. The members have expressed themselves in favour of the Bill. One member while agreeing with the aim and object of the Bill however doubts whether the legislature can interfere in such social matters.

6. The Depressed Classes Association Coonoor heartily supports the Bill but is of opinion that penal provision should also be made for any breach of the Act.

7. Among the officials consulted were the Sub Collector, Treasury Deputy Collector, the Taluk Officers, Coonoor, Ootacamund and Gudalur and the Stationary Sub Magistrate. Their opinions are as below:-

The Sub Collector after personal enquiries reports that enlightened Hindus are in favour of the Bill. The main criticism is that the Bill does not go far enough and may do little to remove the real evil, but that he has received no definite suggestions as to how this is to be remedied. He suggests the deletion of the term "backward class" as it is wide and covers castes and that do not suffer from the disabilities at removing which the Bill is aimed.

Mr. Mitchell, my Treasury Deputy Collector, after consulting the local Hindu community as far as possible considers that the sudden and far reaching change in social customs and prescriptive rights would create dissatisfaction and friction between the several classes of Hindus instead of a peaceful settlement of these disabilities. He doubts the wisdom of legislation in such matters and states that it would amount to forcing on certain classes of the Hindu community a set of conditions which would be opposed to custom and usage which carry with them a good deal of religious sanction. He is of opinion that social betterment is often the fruit of "esprit de corps" and not merely that of extraneous influence and support.

The Tahsildar, Coonoor after consulting the Hindu community reports that the Bill is welcomed by that community.

The Deputy Tahsildar, Ootacamund reports that he does not anticipate any serious objection to the Bill in Ootacamund Taluk.

The Deputy Tahsildar, Gudalur reports that prominent Hindu residents of Gudalur Taluk, whom he consulted are in favour of the Bill.

The Stationary Sub Magistrate, Coonoor also reports that the Hindus whom he consulted are in favour of the Bill.

8. My own opinion is ^{given} ~~seen~~ separately.

S.G.11-7/a.

Copy for Collector's File.

3/4
COLLECTOR.

BILL - THE REMOVAL OF CIVIL DISABILITIES BILL BY RAO
BAHADUR M.C. RAJAH, M.L.A.

My own opinion is as follows:-

1. This bill like that sponsored in the Legislative Assembly by Mr. (now Sir) R.K. Shanmukham Chetty in 1931, proposes to remove certain disabilities which attach to members of the "depressed classes". These disabilities are social and religious, the former arising out of the latter. They exist only as between members of the Depressed classes and caste Hindus and not between members of the depressed classes and Mahomedans or Christians. They are ^{neither} ~~neither~~ imposed nor supported by law. The attempt, therefore, to remove them by legislative enactment, is likely to result in a dangerous infraction of civil rights.

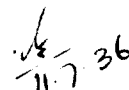
2. The orthodox Hindu holds tenaciously to that system of social and religious inequality known as 'caste'. It is one of the fundamental beliefs of his religion that the class of citizens for whose benefit this Bill is proposed is outside the social pale. Outcastes may not eat or intermarry with 'caste' Hindus; they may not even come into physical contact with them or enter the same temples. In Malabar some of them are not allowed the free use of the roads and stipendiary magistrates have been known to compel witnesses of the depressed classes to stand outside the court hall while giving evidence.

3. The only cure for these things, which many unorthodox Hindus regard as a grave abuse, is a change in the fundamentals of the Hindu religion. No mere legislation could produce this result but it might produce other curious results. Suppose for example a man makes a road, or sinks a well or builds a temple or endows charity, for the benefit of people of his caste this Bill seeks to divert the endowment to objects which are not intended by the founder and are in conflict with his religious ideas. If the Bill has any meaning it is to declare that no founder shall henceforth be permitted to confine his benefactions to people of his own caste, may, that even the foundations of the past are to be diverted from the purpose for which they came into being. I am sure those who have

have been enjoying them for time out of mind will resist with all their strength this measure of deprivation. The bill proceeds on the fundamental misconception that the depression of the depressed classes is due to a defect in the law. This is not so and any attempt to improve their situation by tampering with the law is likely to be regarded as an interference with not only with established civil rights but with religion itself and to be attended with results most dangerous to the public peace.


Collector.

S.G.11-7/p.

 36

COLLECTOR'S - EXTENSIVE TOURING.

QUESTIONNAIRE.

1. Since 1930, I have served in three Districts. 1935 - Madras-Chingleput, 3 months; Chittoor, 2½ months; Nilgiris - 6 months. The conditions of the Nilgiris are peculiar as:-

(a) The District has a far smaller area than most others and is thinly populated.

(b) Ootacamund - the Headquarters - is the summer Headquarters of Government and therefore demands the almost continuous presence of the Collector there during the season. My district experience since 1931 is not sufficient to enable me to answer the question satisfactorily.

From 1906 to 1930 I served continuously as a District Officer, mainly in Malabar, Coimbatore, Salem, Trichinopoly and Ramnad as Revenue Divisional Officer and Collector. I usually exceeded the touring limit.

2. I visited villages only when there had arisen some definite question which could best be answered by a local inspection. I hardly even found time from regular official duties to visit villages for the purpose of shikar. After a local inspection I always had a chat with the chief villagers and generally found that there was something that I could do for them officially, though since 1921, the Collector's powers have been restricted by his gradual removal from the District Board. I made no attempt to visit all villages. That would have been impossible. It must be remembered that the District Officer sees quite a lot of the village officers of each village and that at the annual Jamabandi and at ad hoc conference the villagers from many surrounding villages come to him.

3 (1) My tours were leisurely. From 1907 to 1911 I used to take stores with me in my always/-

1935/36

always moved about on horseback. In Malabar from 1913 to 1919 I used a bicycle mainly for changing camp. I also used a horse; but that country is not good riding country. I did a good deal of walking. From 1919 to 1930, the Tamil districts, I used a car, supplemented by a bicycle. The latter will go well over the country tracks in the dry villages.

(ii) I nearly always used the rest-houses, which are well distributed over all the districts with which I am acquainted.

(iii) Yes, much of the necessary knowledge of a district can - and must - be acquired at the office table. It consists of --(a) The current administrative operations, the statistics of which are reported periodically by subordinate officers out in the District e.g., collections of land revenue and excise, progress of minor irrigation and other works.

(b) Reports on special phenomena.

(c) ^{The details} ~~Special operations~~ of important operations the files of which must be studied.

To administer a district must we cannot avoid a good deal of study and desk work. Touring should be directed primarily to giving reality to administrative measures by enabling an officer to see for himself the actual details of the kind of problem which he is called on to settle on paper. In the process of seeing things for himself the District Officer must, of course, encourage ~~the villagers~~ the villagers to talk freely. But the control of the complicated machinery of the district administration must come first; touch with the villagers afterwards. Personally I always regarded that side of the work which took me into the villages as a delightful and healthful relaxation.

(iv) I have never examined the question.

4. No. I used to take 'stores' with me in my own

boxes/-

boxes, which are generally sent on ahead of my car. I used to buy milk, eggs, fowls and perhaps fruit from the village headmen and pay him by bill on leaving the village

5, 6 and 7 - No.

8. It takes 3 or 4 days for the news to get round that the Collector is camping in a village. Some people may then come in. I used not to take any special steps to notify my movements to neighbouring villages.

9. The minimum period of touring is fixed for a Collector at 4 months and a Sub Collector at 5 months in the year. That should, in any district in which I have served, enable the District Officer to maintain a first hand knowledge of what is going on in his District.

Whether he will do so depends on the man and his training.

Some relief might be given to Divisional Officer by reducing the case work of certain divisions to smaller proportions. For example, the Tellicherry division in 1909-10 and the Pollachi division in 1914-15 kept the Joint Magistrate's nose continuously to the grind stone.

I do not think it is possible to prune the Collector's duties very much without damaging the District administration. It may, however, be worth considering whether he could not be relieved of some details and whether

certain improvements in method might not be made - particularly in respect of those papers which have to be kept in his personal custody. But some officers if relieved of a substantial amount of desk work will find time for more novel reading rather than for more village visiting.

10. I take no special steps to interest my juniors in touring. As Collector between 1919 and 1930 it was my good fortune to deal with Sub Collectors whose attitude in this matter was the same as my own.

11. If the Collector were again made Chairman of the District Board, it would restore to him the most interesting side of his work. But since 1921, when he was

removed, the march of events has very completely filled up any gaps in time which the removal of those duties may have left, e.g., since 1921 the standard of efficiency demanded of District Officers has considerably risen and the technique of inspection has - quite rightly - demanded more time and attention than formerly. Again the extension of the activities of 'nation-building' departments has indirectly increased the Collector's work. Consequently if the Collector were again appointed President of the District Board he would find himself as a result, tied still more to his office table. Though I think that it would be to the mutual advantage of the Collector and the District Board if he were a member of that body.

12. So far as I have been able to observe, European I.C.S. Officers in Tamil districts do not possess sufficient knowledge of the vernacular to enable them to converse freely with villagers ~~any~~ on any subject. They always tend to fall back on an interpreter. The reason is that Tamil is a language of peculiar difficulty the only available text books confine themselves to the written language, a knowledge of which is of little use in speaking Tamil and even less in understanding it when spoken and finally ~~inexhaustible~~ that the examination is also largely literary in character.

Much the same can be said of Junior Police Officers, in spite of the fact that they read Tamil for a year in the Vellore Training School. The method of instruction is evidently at fault. They are certainly not taught ^{here} ~~there~~ to speak Tamil.

Collector.

NOTE BY COLLECTOR OF THE NILGIRIS.

1. H. E. the Viceroy believes that the District Officer is not in sufficiently friendly, familiar and leisurely contact with the rural population. He has invited ~~of~~ District Officers to suggest how their touring can be made to achieve this object more effectively.
2. The touring of an administrative officer is intended to serve two purposes. The first is to give reality to his knowledge of current events, whether administrative or general. First hand knowledge of what the people desire or what they are indifferent to is essential in forming a sound policy. The second purpose is to maintain friendly relations with the rural public. Whatever popular discontent there may be, it should never arise from a knowledge or suspicion that public servants are negligent in their duties or unsympathetic in their attitude. Hence, friendly personal contact is essential. The two objects at which we are arriving may be summarised as 'knowledge' and 'contact.' In a small essay of which I enclose a copy, I have dealt at some length with the problems which arise when an officer assumes charge of a district, which is new to him and have divided the local knowledge which he should aim at acquiring into two groups, standing and current information. Standing information includes the geography, history and economics of the district, and its administrative divisions. Current information concerns the administrative personnel and the progress of periodic operations such as revenue collections, the execution of works or correspondence in general and of special operations of importance, together with some knowledge

of the leading non-officials. This essential knowledge is best acquired at an office table; But it must be tested and elucidated by reference to actual conditions by travel in the district and by the widest possible contact with men and local conditions.

3. Friendly contact with the people will result from a number of factors, such as an officer's attitude towards his official duties, the interest he takes in the country and the people and his own personal character and interests.

4. We will consider first how far the desired results are achieved in this Province. My first hand experience is confined to Malabar and certain of the Tamil districts. These are big districts, each with 800 to 1000 villages and it would be quite impossible for the Collector in the course of one, or even of two, years to visit every village in his charge. A Divisional Officer may have 150 to 300 villages and he too would find it difficult to get round every village in his division in less than two years and that, too, to the great detriment of his work as a trying magistrate. I am inclined to think that such an attempt is neither necessary nor desirable and that if the district officer properly utilises the time for which he has to camp he will maintain sufficient contact with members of the cultivating class to keep him in proper touch with what is going on. Communications have rapidly improved during the last thirty years. The motor vehicle in particular has opened up formerly remote villages in a way which the railway ~~railways~~ has been unable to do. So far as I have observed, our European district officers do quite enough touring -- Collectors four months in the year

and/-

and Sub Collectors five -- but they fail to get into close touch with the villager owing to their weakness in the language, which they speak with difficulty and understand hardly at all.

5. The languages of this Presidency, belong to the Dravidian family, and present peculiar difficulties to the European. In the Tamil, the spoken dialects differ from the written language far more than they do from one another. None of the standard dictionaries, grammars or phrase books attempt to explain the spoken language. The average munshi speaks colloquial Tamil in his own home but teaches the literary Tamil. An Englishman who learns to speak the written language with some degree of accuracy is little understood by illiterate people and he in turn will find their replies in colloquial Tamil, quite unintelligible. The standard of attainment reached by junior officers of the Imperial Departments in the language examination is deplorably low. A glance at the marks register will show that few of them get more marks than the absolute minimum required for a pass.

6. My own modest suggestions made in past years to the Board of Examiners have met with a dignified silence. But I will repeat them here. The deficiencies of junior officers are due not to want of interest in their work, but to concentration on a form of the language which is of no use colloquially and to the complete absence of text books in the colloquial language. The examination should be confined almost entirely to the colloquial language. A colloquial grammar and a book of words and phrases which are of immediate practical use in an officer's work must be prepared. The form of the language selected would be either that of a single dialect, say that of Tinnevely or perhaps, better,

those/-

those forms which are common to the 2 or 3 dialects of Tamil, with a note of local differences. The grammar and phrase book should be supplemented by a set of dialogues on gramophone records, of which one party at least should be illiterate.

The methods of language study have changed and improved since the days of Rhenius, Pope and Arden. We must take advantage of modern discovery and move with the times. This language problem is the crux of the problem in this Presidency.

7. I will touch briefly on the other points raised in His Excellency's D.O.

It is suggested that work might be reorganised at District Headquarters to reduce the Collector's paper work. There are not many items of work which could be taken away from the Collector without reducing his essential powers and consequently his grasp on affairs. As already observed, desk work is inevitable.

The average District Magistrate does not usually try original criminal cases or hear criminal appeals. But there are divisions where it would be a real relief to the divisional officer to take some of his original and appellate work away from him, though it would be a mistake to remove it all.

As regards the delegation of revenue functions, I doubt whether there is scope for much in that line in this Presidency.

8. I am averse to reducing the quantity of office inspection. The time taken by Collectors in inspecting the Headquarter Treasury is small. Before 1920 the Collector did not even inspect the Divisional

offices/-

Offices. Since then he has done so and the technique of the Divisional Officer's inspection of Taluk Offices has considerably improved, with a corresponding gain to efficiency. I make it a practice myself, whenever I visit a subordinate office to examine one or two ~~important~~ important items of work.

9. I am inclined to doubt whether, in these days, a horse would really be an aid to more intensive touring. A bicycle will go practically everywhere where a horse will go and is much cheaper to maintain. The car will cover distances on a metalled road with which a horse cannot compete.

10. I believe training for junior officers to be an excellent thing. Young Police Officers are given a very thorough training - subject to my criticisms about language study - at the Police School at Vellore. Young civilians are (I believe) trained in Survey and Settlement and one or two other items. For the specifically technical side of their future work they are tested by examination. I should think the arrangements made in this Province in the matter of training - apart from training in language - are satisfactory.

11. I think the District Officers in this Presidency are, as a whole, fully alive to their position as local representatives of Government, which entails a responsibility for helping to co-ordinate the work of different departments in their district and, when necessary, calling attention to abuses in other departments.

12. To keep an officer for about 3 years in a district charge and to alternate service between the districts and the Secretariat are ideally to be followed. But human nature sometimes causes them to break down in practice.

13. The difficulty of all schemes for relieving the Collector of part of his duties is the danger of his developing a blind side towards some aspect of his work. The

*Copy of Collector's note dated 27th July 1936 sent to the President, District Board, District Board Engineer, District Forest Officer and the District Health Officer, The Nilgiris./

PUBLIC WORKS - WATER SUPPLY - SCHEMES - PREPARATION.

I enclose herewith a note on the above subject. I should be glad of any criticism ^{you may wish} ~~worth~~ to make whether constructive or destructive.

ENCLOSURE.

NOTE.

PUBLIC WORKS - WATER SUPPLY - SCHEME - PREPARATION OF.

1. It is understood that the Government will shortly allot funds to this Presidency for the improvement of water supply, the main idea being to sink bore wells. A few wells might perhaps be sunk in the Gudalur Taluk, but the need of the Plateau is not for wells but for a proper supply of surface and piped water, especially in the dry season. Water is taken from Government sources on permits issued by the Collector. Some of these are held by public bodies for the benefit of villagers and some by private individuals. Some permits are granted for domestic, some for agricultural and some for industrial purposes.

2. The following table gives the details.

<u>Industrial purposes.</u>	
1. Industrial concerns.	10
2. Municipal	2
3. Railway companies	4
Total	16
4. Irrigation	168
<u>5. Domestic</u>	
Personal	239
District Board	23
Villages	12
Municipal Council	2
Cantonment Executive Officer, Wellington.	1
Total.	277
Grand Total.	461

3. There is reason to apprehend that permits have been granted in the past without reference to the capacity of the source or the importance of keeping it free from pollution. In 1934 the District Board drew up a scheme for improving distribution; but here again, I

believe I am correct in saying that, no attempt was made to estimate the available supply. In fact we have no exact knowledge of the nature of the sources available or the existing potential and probable future demand for water. This information can only be obtained by a proper survey of sources and an enquiry into the needs of the population. It should be our aim to conserve the sources of drinking water - bearing in mind that the rate of attack of dysentery and diarrhoea is high in this district, pointing to the need for keeping the supply free from pollution. The distribution must be economical, so as to reach the largest number of house holders and must decide between the rival claims of public and private and of agricultural, industrial and domestic supply. Nor can we ~~pram~~ summarily reject the reasonable claims of existing permit holders who, though they may have no legal right to contest the termination of their permits, have a strong claim, in equity, to consideration.

4. Such funds as may be allotted to the Nilgiri District from the Government of India grant should in my opinion be devoted to examining ---

(a) The supply of water which is available, how far it could be increased and what steps should be taken to conserve it and protect it from pollution. Particular attention should be paid to the problem of maintaining supply during the dry months.

(b) The existing potential demand for water and the probable increase in that demand by increase or shifting of population during the next 20 years.

(c) To what extent the privileges enjoyed by existing permit holders, public or private, should be allowed to continue.

(d) What works should be undertaken to conserve the water, protect it from pollution and to distribute it in the most economical manner and how such works should be financed.

(e) What should be the future policy in the matter of granting permits.

5. I presume that the survey suggested in the last

paragraph would involve the preparation of maps showing catchment areas as units of water supply and the points of diversion, lines and terminals of the supply. The exact method by which details and statistics should be obtained must be worked out by an expert who should be, I consider, an officer of rank not lower than that of Assistant Engineer. It may be borne in mind that it is not necessary to complete the survey over the whole area before beginning works of importance. Such works could be taken up in each catchment area so soon as the examination into the conditions of the area was complete. The order of examination might be the order of urgency.

6. It is essential that the officer placed on this duty should be in direct personal touch with the representatives of the Government departments concerned. For this purpose his proposals should go to Government through a small committee, with whom he should be, throughout the entire operations, in close personal touch. This committee might consist of the Collector as President, the District Board President, the District Board Engineer, the District Forest Officer and the District Health Officer. It would, in fact, be a sub-committee of the District Economic Council which is shortly to be inaugurated. The Collector is concerned with the matter not only in his co-ordinating capacity, but as the authority who issues permits and sanctions the sale of land for cultivation, which may affect the purity of the supply. The District Board are interested in distribution. The District Forest Officer has control over the greater part of the area upon which the supply depends. The District Health Officer will probably be the officer most immediately concerned in the spending of the grant. I think it is also necessary to include a representative of the Public Works in the irrigation department for no scheme can be finally approved which does not take into consideration the probable effect on the irrigation of the plains below.

/True copy/

Copy to Collector's File.

In reply, please quote
number, date and
short title.*

Received _____ Registered _____

From (Name) P. Macqueen, Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (Station) Ootacamund.
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

R.C.B1 No. 2569/36., dated 30th July 19 36
Sir,

* STATIONERY - COVERS - RE-USE OF - REGISTER
MAINTENANCE. --

ENCLOSURES _____

SPARE COPIES _____

With a view to check whether the Collector's and Sub-ordinate offices are using the economy labels properly and whether covers used with economy labels are really being made up and not disposed of surreptitiously, I suggest that a register showing the number of covers remade may be ordered to be maintained in the Collector's office and subordinate offices.

2- A register of the same size as the new case register with a page for each month and with the following columns may be maintained :- The register may have 31 lines and two extra lines for total.

Date.	No. of covers with economy labels received in tappal.	Number remade.	Initials of the Fair Copying Superintendent in token of receipt of (3)
(1)	(2)	(3)	(4)

3. At the end of each month the columns will be totalled at foot. A note showing the number of new covers issued to the Fair Copying Superintendent, or the Despatching clerk, as the case may be, will be made below it. The register will be maintained by the Fair Copying Superintendent in the Collector's office and by the Despatching clerk in subordinate offices.

4. It is further suggested that the head of the

the office should ascertain along with this register the consumption of new brown paper, to see that there is no waste in either direction. The Superintendent of Stationery might be asked to watch the consumption in all districts to see whether economy can be effected in the use of brown paper.

5. I request that in the interest of economy, the Board will be pleased to issue orders for the maintenance of the register suggested above.

M.N. 6/8/36.

Collector.

81-78-36.

Copy for Collector's file.

G.F. 32.

In reply, please quote
number, date and
short title *

Revenue DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box _____, (Station) Ootacamund.

Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

R.C.A2 No. 633/36, dated 25th August 1936.

Sir,

ESTABLISHMENT - COLLECTOR'S OFFICE, OOTACAMUND -
* ADDITIONAL STAFF

ENCLOSURES _____

SPARE COPIES _____

I would invite a reference to my F.C.A2 No. 633/36 dated 13th April 1936 and the Board's reply thereto, R.C. 2586/36-1 dated the 5th May 1936. My reference drew attention to the considerable increase of work in the Collector's office of recent years and the necessity for a corresponding increase in the staff to cope with it. I have since made a further detailed examination of the question and embody the result in the present report.

2. I append to this report the following enclosures:-

- A. I, II, and III. Lists of subjects added to the work of the office during the last 10 years, classified respectively as permanent, quasi-permanent and temporary additions.
- B. Statements of the number of currents initiated and disposed of annually during the last 10 years
- C. Statement showing approximately the extent of the overtime work which each clerk has to do.

3. Enclosures A and B explain the situation clearly.

Enclosure B shows that from 1926 to 1932 the annual number of disposals had a slight but steady upward tendency. In 1933 the total jumped to 7,184, as against 4,314 in the previous year. In 1934 and 1935 it declined from that high figure to 5,488. The figures for the first half

the office should ascertain along with this register the consumption of new brown paper, to see that there is no waste in either direction. The Superintendent of Stationery might be asked to watch the consumption in all districts to see whether economy can be effected in the use of brown paper.

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In reply, please quote
number, date and
short title *

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- B. Statements of the number of currents initiated and disposed of annually during the last 10 years.
- C. Statement showing approximately the extent of the overtime work which each clerk has to do.

3. Enclosures A and B explain the situation clearly. Enclosure B shows that from 1926 to 1932 the annual number of disposals had a slight but steady upward tendency. In 1933 the total jumped to 7,184, as against 4,314 in the previous year. In 1934 and 1935 it declined from that high figure to 5,488. The figures for the first half

half of 1936 is 2,819, at which rate the figure for the complete year is likely to approximate to 5,600. Though the total has fallen somewhat since the big increase in 1933, it showed, last year, an increase of 21% over the years previous to 1933 and it shows no tendency to sink to its former level.

4. Under these circumstances I would submit that the case for additional staff is clearly made out.

R.B.N.25/8a

Collector.

ENCLOSURE A.

Items of work added during the last 10 years.

I.

Permanent additions.

Serial No.	Subject	When added	Remarks.
1.	Service books and rolls ...	1931	Transferred from the Accounts Branch under B.N.No.21 Press dated 2nd March 1931.
2.	Appointments and leave ...	1934	The Divisional Officer and the Treasury Deputy Collector have no longer power to grant leave or make appointments. These powers are exercised only by the Collector.
3.	Appointments - By Madras Service Commission	1932	This involves correspondence with (i) The Madras Service Commission (ii) District Officers of other departments. (iii) Selected candidates.
4.	Appointments - Public Service Commission (India)	1934	Not numerous
5.	Examinations - Imperial Service	1934	Not numerous
6.	Land Records - Inspecting Deputy Tahsildar's inspection notes	1933	Under the Board's orders a separate section was constituted in 1933, which deals with the Inspecting Deputy Tahsildar's inspection notes which he formerly dealt with himself.
7.	Assignment - Land	1932	Till 1932 darkhasts were finally dealt with by the Sub Collector, unless the assignment was recommended. The Collector now deals with all darkhasts, B.S.O. 15 - 42 G (ii) (a)
8.	Assignment - Town sites	1932	-do-
9.	Assessment - Water diversion	1930	Up till 1930 the Sub Collector was empowered to grant permits to take water for domestic agricultural or industrial use. Since that date the Collector only has been so empowered. B.S.O. 11-1.

Serial No.	Subject	When added	Remarks.
10.	Cantonment - Leased Recovery of rents	1934	
11.	Abkari - Fees - Recovery-	1932 and 1935 1932	Quarterly fees are now levied for the following licences, D.S.2, D.S.3 F.L.20 and M.A.2. Annual fees are levied on Clubs
12.	Abkari - Gallonage fees	1936	These are now levied on all F.I. licences.
13.	Excise - Matches and Sugar	1933	
14.	Arms Act - Gun licences		The work has become more elaborate with the new register that has been prescribed. There is frequent correspondence with Government regarding licences for pistol.
15.	Motor Vehicles - Refund of Tax	1932	The work has considerably increased since its introduction by, (a) The maintenance of the motor vehicles licence check register, opened in 1934 (b) The growing number of licences dealt with.
16.	Endowments - Hindu Religious endowments	1935	
17.	Grants - Discretionary	1935	Revived in 1935
18.	District Economic Council	1936	Under G.O.No.1113 Development dated 9th July 1936 the Collector is to hold a monthly meeting of the District Economic Council and to submit to Government a quarterly report of progress in all matters of rural development. This will add considerably to the work.
19.	Local Boards - Village Panchayats	1934	There were no Taluk Boards in this district, even prior to 1934. The main items of correspondence are (a) Proceedings of Panchayat Boards (b) Assessment of taxes.
20.	Hostel - Badaga and Toda Boarding Grants	1935	The control over these grants has been transferred from the Commissioner of Labour to the Collector.

II.

Quasi-permanent additions.

Serial No.	Subject	When added	Remarks.
1.	Court of Wards - Arni Jaghirdar - "Woodlands"	1927	It is not known when the property will be handed over to the Jaghirdar.
2.	Court of Wards - "Vizianagaram"	1936	Management of properties, 3 houses in Ootacamund and one in Coonoor
3.	Cantonment - Poramboles and Waste -Classification	1931	69 part fields classified as waste are to be separately sub divided.
4.	Prisoners, State - Sirdar Abdur Rahman Khan	1934	Allowances and rent of bungalow, general supervision etc.,

III.

Temporary additions.

Serial No.	Subject	Probable duration to	Remarks.
1.	Settlement - Resettlement - Coonoor and Ootacamund taluks	March 1937	
2.	Survey - Special - Gudalur taluk	January 1937	To supply plottable data for certain fields whose measurements have been omitted.
3.	Elections	May 1937	This is a full day's work for one clerk.
4.	Records	June 1937.	A number of items have accumulated in the Record Room owing to neglect in the past. These include the sorting of maps and of B.'s and G.Os. from 1920, the verification of old records prior to the disposal number system and certain other items.

ENCLOSURE B.

Statement of the number of currents initiated and disposed of annually during the last 10 years.

Year	Receipts	Disposals.
1926	3,823	3,400
1927	4,164	3,609
1928	4,748	4,202
1929	5,444	4,417
1930	5,251	4,249
1931	4,772	4,093
1932	5,069	4,314
1933	8,003	7,184
1934	7,319	6,535
1935	6,309	5,488

ENCLOSURE C.

Statement showing approximately the extent of the over-time work which each clerk has to do.

Designation of clerk	No. of hours excess work.
A1 ...	2 hours.
A2 ...	3 ..
A3 ...	2 ..
A4 ...	0.30 ..
B1 ...	1.30 ..
B2 ...	1 ..
C1 ...	2 ..
C2 ...	2 ..
D ...	1 ..
E ...	1.30 ..
Total	16.30 ..

In reply, please quote
number, date and
short title.*

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box _____, (STATION) Ootacamund.

Telegraphic Address _____

To

The Secretary to the Commissioner of Excise,
Madras.

D. Dis No. 3559/36, dated 9th October 1936.

Sir,

ABKARI - EXCISE - INCREASE IN REVENUE - POSSIBI-
*LITIES.

Refce:- Commissioner's Ref.C.R.No.6697-Abkari-36
dated 17th July 1936.

ENCLOSURES _____

SPARE COPIES _____

I doubt whether the increases suggested will lead to any material increase in the revenue. It is a question whether the taxes on liquor are not already so high as to encourage illicit practices. I believe the statistics of the sale of Government liquor, maintained by the Excise Department, show that the majority of liquor shops are run at a loss. Yet the same renters are prepared to bid for them a good prices year by year.

2. To consider the Commissioner's suggestions in detail,

(1) Arrack supply contract licence.

For convenience of accounting I would suggest a fee of As.2 for each 4 bulk gallons or part thereof or As.2 for each 5 bulk gallons or part thereof.

(ii) Shop licences. The fee might rise in proportion to the rental, thus, Re.1/- on licence for rentals not exceeding Rs.100/- rising by graduations to Rs.25/- on shops of a rental of over Rs.5,000/-

(iii) Tappers' licence. Owing to present economic difficulties, trouble might arise if these were imposed.

(iv) Fines. The present scale of fines has proved adequate for the successful administration of Excise revenue and it is hardly justifiable to raise it merely to increase

increase the revenue.

3. In general, I doubt whether much increase in revenue could be effected by the methods proposed. If put into operation they would tend to create local troubles and if they materially increase the revenue would also tend to increase illicit practices. It is possible that the true line of investigation is a reduction of liquor taxation accompanied by stringent measures of control so as to direct into the coffers of Government profits which there is reason to suspect are now going into those of illicit traders.

Collector.

Copy for Collector's file.

C.D.12-10-

C.D. 32.

In reply, please quote
number, date and
short title.*

Revenue DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box _____, (STATION) Ootacamund.

Telegraphic Address _____

To

The Commissioner of Excise,
Madras.

D.Dis No. 627/36, dated 21st October 1936
Sir,

ABKARI - LIQUOR - SALE ^{to} HILL TRIBES - THE NILGIRI
DISTRICT - PROHIBITION - COMPLIANCE

ENCLOSURES _____

SPARE COPIES _____

I have the honour to submit the report called for by the Commissioner in C.D.No.236 Abk.36 dated 5th February 1936.

2. In 1924 the Commissioner prohibited the sale of liquor to the 'Hill Tribes' of the Nilgiris except on a medical certificate. These 'Hill Tribes' comprise the Badagas, Todas, Kotas, Irulas and Kurumbas, of whom the Badagas, the typical peasant proprietors of the Hills, far out number all the rest put together. I entirely agree with my predecessor in his view that in point of intelligence and social development the Badagas are, if anything, above the average of corresponding communities in the plains. In my opinion to class them with really primitive tribes like the other four and to make that a justification for submitting them to restrictions from which the ordinary citizen is free, is to lower their status in the eyes of the general public. In the earlier paragraphs of this report I propose to confine the discussion to the Badagas.

3. The law of 1924 prohibited the direct issue of liquor to a member of a hill tribe except on a medical certificate. The shop keeper "shall use all reasonable measures to prevent liquor from his shop being passed on to any member of the hill tribes." There is no

no reason to suppose that shop-keepers are directly disobeying the first injunction. The second places upon them a responsibility difficult for them to fulfil and which would be more properly borne by the preventive staff. The liquors which the Badagas desire are principally arrack and beer, whose sale is concentrated almost entirely in the four towns of Ootacamund, Coonoor and Wellington and Gudalur. In and near these a regular illicit trade has grown up and the hill tribes can always get their liquor, at a slightly higher price, through a middleman who is often a tea-shop keeper. The law which prohibits sale does not prohibit possession by a member of a hill tribe and is therefore powerless to prevent these abuses. It has been suggested that if the possession of liquor by Badagas were made illegal this traffic might be suppressed. To any such proposal I am strongly opposed. To place a large and self-respecting community under discriminatory restrictions is sufficiently undesirable; to enact a law which would make them the subject of domiciliary visits, especially in a country so wild and sparsely populated as is much of the Nilgiris, would almost certainly render the Excise officers so unpopular as to seriously impair their utility and might even lead to violence and bloodshed.

4. No one acquainted with the facts will deny the existence of widespread illicit practices and the evil results which attend upon them. But there are those who claim that the balance of advantage is in favour of prohibition and that it has on the whole made the Badagas more sober and improved their economic condition. It is necessary therefore to examine these claims. The object of the restrictions imposed in 1924 was to mitigate the distress which the Badagas had suffered during the previous 10 years. In that year the selling price of potatoes was very low and relapsing fever was prevalent. The latter factor is now practically absent; but its disappearance had nothing to do with prohibition. The former factor - inability of the Badagas to obtain a fair share of the profits of their cultivation - is still present as an endemic economic disorder.

disorder in spite of prohibition. But this is only one side of the question. The Badagas do not depend entirely upon their cultivation for a livelihood. A visit to a Badaga village will demonstrate that their standard of living - at any rate so far as house construction and street design is concerned - is higher than that which obtains in the generality of villages in the plains. The Badaga derives his income to a considerable extent from miscellaneous occupations outside his village. The profits which he should derive from his agricultural resources are miserable owing to methods of cultivation most ignorant and negligent; and even these profits, owing to bad selling methods, go mainly into the pockets of middlemen. Prohibition has done nothing for him here.

5. The next question is whether prohibition has really meant that the Badaga no longer consumes strong drink. Figures are not, of course, available for illicit consumption. The figures for illicit consumption will include that indeterminate quantity of beer and arrack which, through the medium of illicit sales, finds its way down the throats of the Badagas. If prohibition were effective, licit sales would have fallen correspondingly. If a shop-keeper continued to sell approximately the same amount of liquor after as before prohibition, the assumption would be that his former Badaga clients were obtaining their usual share of liquor through middlemen. I submit as enclosure A the figures for consumption from the year 1921-22 to date. There are 9 items, of which beer and Indian country arrack may be considered first. From the year 1923-24 the consumption of country arrack shows a fairly steady downward tendency. Had the prohibition introduced in 1924-25 been effective we should have expected to find a sudden drop in consumption in that year. Such an indication is absent. We are therefore entitled to conclude that though there was a general decrease in consumption the Badagas continued to consume illicitly the same proportion of arrack which they had formerly consumed licitly. The figures for the consumption of Indian beer are more striking. Equally with arrack the period from 1922-23 shows a general downward tendency. But there are two sharp falls, each followed

followed immediately by sharp recoveries viz., one in the year 1924-25, the year in which the prohibition was introduced, and the other in 1927-28. In 1927-28 there was no sudden imposition of prohibition to account for the fall. The mere fact of a fall in 1924-25 is not, therefore, necessarily due to prohibition. Again if the fall in 1924-25 may be claimed as the triumph of prohibition, the complete recovery in 1925-26 may equally be claimed as proof of its subsequent failure. In enclosure B I have abstracted for convenient reference the figures for the consumption of beer and arrack only.

6. Of the remaining 6 items only three would appear to have a possible bearing on the problem, namely imported spirits, spirits manufactured in India as foreign liquor and imported beer. During the period under examination the consumption of imported spirits has fallen from 10,188 to 4,317 gallons annually while that of spirits manufactured in India has risen from 957 to 3,162 gallons annually. Taking both together the consumption shows no such fluctuation as could be traced to the prohibition of 1924-25; but it shows a sharp fall since 1932-33. The total consumption of the three forms of spirits shows a general decline over the whole period, but no such fluctuation as would suggest that prohibition had any effect.

7. The extent of the consumption of liquor by the Badagas can further be judged by its effects. Enclosure C shows the convictions for drunkenness, so far as available, for the last 5 years. The table below shows the percentage of members of the Hill Tribes convicted of the total. The figures under the heading 'Hill tribes' nearly relate to Badagas.

Year	Percentage of Hill tribes convicted	Remarks.
1931	6	The figures for these 4 years are incomplete.
1932	8	
1933	33	
1934	57	
1935	36	
1936 1st Half	39	

Nothing, I think, could display more clearly the ineffectiveness of prohibition than these figures. They suggest, not merely that the Badagas are getting a certain quantity of liquor illicitly, but that they consume nearly as much of this illicit liquor as do the other communities of licit liquor. Further, it must be remembered that for every Badaga who is convicted for drunkenness there may be a hundred who drink but do not misbehave themselves.

8. The figures for consumption taken with those of convictions for drunkenness raise a very strong presumption that prohibition has been very largely ineffective. Such a state of things is bound to be demoralising and I submit that it should not be allowed to continue. The control of licit sales is easy in this district being confined to a few towns. I submit that the prohibition may be raised so far as the Badagas are concerned perhaps restricting the limit of private possession of arrack to 2 drams, and that the Police may be asked to co-operate actively with the Excise officers in preventing drunkenness at the shops. As regards the genuine hill tribes - Todas, Kotas, Irulas and Kurumbas, I consider that the restriction would be justified if it could be enforced. It is, however, possible that the Badagas themselves, if permitted to obtain liquor, would become in turn middlemen for its sale to the primitive tribes with whom they live in close contact. I would however, recommend that the prohibition may be continued as regards these tribes and the effect carefully watched.

9. The statement showing the number of liquor offences called for in paragraph 2 of the Commissioner's reference is enclosed. Please see statement D.

C.D.22-10p.

23-10-36

Collector.

3/11

MAGISTERIAL DEPARTMENT.

Received 19 . Registered 19

Subject.

HONOR VEHICLES - THE INDIAN MOTOR VEHICLES (AMENDMENT)
BILL - REMARKS.

ENCLOSURES.

No.

Spare copies

D. Dis. No 4768/36.

Station Ootacamund, Dated the 1st November 1936.

From (Name) P. Macqueen, Esq., I.C.S.,

(Designation) Pt. Magistrate, the Nilgiris,

To The Secretary to the Government of Madras,

Home Department,
Madras

Sir,

Refce:- Government Endorsement No. 2227-52, dated 12th.
October, 1936.

I submit the following remarks:-

2. In paragraph 2(b) of the Bill, taxis having a capacity for seven or less have been excluded. I think it would be desirable to include them. Taxis in districts (where there is no Taxi Cab Act as in the City of Madras) require a better regulation than they have now; for instance there is no control as to the fares they can charge.

3. Definitions are required for "Van", "Vanette" and "caravan". The Ford company has recently put on the

the market a vehicle with a convertible body. It can take seven passengers but can be converted into a goods carrying vehicle by the removal of seats for five.

4. A difficulty that always arises in this district is that lorries are sometimes used or attempts are made to use them for carrying human beings. At the time of registration the registering authority writes in the registration certificate that four persons can be carried; the intention is that they should be attendants.

5. In section 6 of the existing Act, I consider that the licensing authority should not be allowed to issue a licence to an applicant unless the latter has been definitely tested in a public place.

6. I consider that a maximum number of working hours for conductors in buses should also be fixed. Please see sect on 4(23) of the bill. This section refers only to drivers concerned.

7. I am of opinion that no permit to ply a bus for hire should be granted to an individual unless he applies for six buses of which four should have cindings and two would be spare vehicles to replace those which have to be taken off the road for repair or overhaul. The individual owner of a bus is a menace to the public and is actually dealing in an unprofitable trade. Where there are bus companies placing buses in fair numbers on the roads and having some public or private capital behind them, the general public are well served with buses which run to regular timings and are well maintained.

8. If, as I consider necessary, large companies are to be now encouraged and finally alone accepted for the transport of the public, a sufficiently long period of time must be given to individual and small owners to get rid of their vehicles.

9. In urban areas bus stops are necessary, but I see no need for them in rural areas. I consider that bus timings are essential.

[Signature]
District Magistrate
for Collector.

21.11.36. Copy for Collector's file

C.F. 32.

In reply, please quote number, date and short title.*

DEPARTMENT.

Revenue

Received _____ Registered _____

From (Name) P. Macquien Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (STATION) Ootacamund.
Telegraphic Address _____

To

The Secretary to the Commissioner of Excise,
Madras.

Sir, Perl. No. 194-36-32 dated 3rd December 1936

*MUTUAL - FOREIGN LIQUOR - PROPOSALS - 1937-38.

Reference:- Commissioner's S.F.No. 14572- Abk.C.36
dated 11th October 1936.

The rules governing foreign liquor have worked well during the current lease. A new beer shop was opened from 1st April 1936, at Wellington and it is reported that the consumption in the shop has justified its opening though to some extent, it has naturally, affected the consumption of arrack in the arrack shop at Coonoor. There has been a decrease in the consumption of beer in this district during the year. This is due to the increase in the price of bottled beer consequent on the introduction of the gallonage system.

2. The Inspector and the Assistant Commissioner of Excise recommend the grant of only one F.I.10 restaurant licence for the year 1937-38 to the English Confectionary Stores, Ootacamund which is running on strictly English principles and in a decent manner. They also report that it is not necessary to open a beer shop in any of the places viz., Maluvattam, Selas or Sholumattam for the year 1937-38. I agree with their recommendations. All the other existing F.I. licences in this district may be allowed to continue in order to meet the legitimate requirements of the consumers.

3. The F.I.2 shops have since been ordered to be opened on Sundays from 1st April 1937. This may increase the consumption and gallonage fees during 1937-38 to some extent

4. The F.I.10 restaurants have since been ordered to open

open till 9 p.m. from 1st December 1936. This practice may be allowed to continue for the lease 1937-38.

5. The beer shop at Kottagiri is being closed on the Poman Catholic festival day in September each year which falls on a Sunday. All the F.S. shops are closed on days of election as usual. These practices may be allowed to continue for 1937-38.

6. The F.S.2 shop at Kottagiri may be ordered to be closed on the Poman Catholic Festival day which falls on a Sunday in the year 1937 in addition to the beer and arrack shops even though it has been ordered by the Commissioner that the F.S.2 shops may be opened on Sundays from 1st April 1937.

7. The existing rates of fixed fees for all the F.S. licences may be allowed to continue for the next lease.

8. Gallionage fees

The Assistant Commissioner of Excise states that the idea underlying the principle of gallionage fees is that there should not be a levy of gallionage fees more than once on the same bulk. But according to Commissioner's notification No.4 dated 10th March 1936, gallionage fee is to be levied on the volume of all sales of liquor under the licences Nos. F.S.2, 3, 4, 7, 8, 9, 10, 11, 13, 17 and Lining car licences. I presume that the principle of gallionage fees is that retail sales to a retail licence should pay gallionage fees and that the idea is that there should be a levy of gallionage fees on each transaction of sale. The system of collection of gallionage fees on the several fixed fee licences in my opinion has worked without any serious difficulties in this district, and it would be wise to leave it alone for the present.

1.3.7.3/127

Copy to Collector's file.

Collector.

4/12

In reply, please quote
number, date and
short title.*

Revenue DEPARTMENT.

COFFEE.

Received _____ Registered _____

From (Name) P. Macqueen, Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (STATION) Ootacamund.
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

N.C.11 No. 4436/36 dated 21st December 36
Sir,

* ASSISTANT - LAND REVENUE - REMISSION - LANDS
CULTIVATED WITH COFFEE.

Refce: Board's Reference No. M. 4586-36-1 dated the
14th September 1936.

I have the honour to submit my remarks on the petition to Government of the U.P.A.S.I. Ref. No. A1- 5 dated 28-8-36. I regret that there has been some delay in doing so but, as the Board will observe later on there are special difficulties involved in getting accurate information regarding plantation crops in this District.

2. In their petition the coffee plantations request, during the continuance of the present slump in prices, a remission of the land revenue payable on coffee estates. It ~~states~~ *states* the price of coffee on the London market has been steadily dropping for the last 3 years. During 1936 it fell from Rs. 48-10-0 in February to Rs. 25-1-0 in May, at which level it has since remained.

3. The points for decision are, whether the state of the coffee market justifies special treatment to coffee plantations in the matter of remission and if so, the extent to which and the manner in which concession could be effected.

4. I cannot speak with any certainty regarding movements in the prices of coffee as the figures available in my office are very imperfect. The U.P.A.S.I. inform me that

that prices are habitually subject to violent fluctuations.

At my request they have furnished me with the average prices on the London Market for four selected years, as noted below:-

Year	Average price per Cwt.
	Rs. A. P.
1910	60--0--0
1920	67--0--0
1930	60--8--0
1936 (Till June)	30--0--0

Since June of this year there have been few, if any, sales. The current year's crop is not yet on the market, as picking has only just begun.

5. There can be no doubt that coffee has, suffered far more severely from a fall in price than tea, which is now sustained by the quota system, or than the local food grains. The following table indicates the trends:-

Product.	Unit.	Year.				Source of figures.
		1910	1920	1930	1936.	
		Rs. A.	Rs. A.	Rs. A.	June.	
Coffee	Cwt.	60. 0	67. 0	60. 8	30. 0	U.P.A.S.I. Report of 1935 on resettlement. 1935
Tea.	Cwt.	62. 5	84. 0	112. 6	89. 11	(i) Agriculture & season re port for October 1936.
Rice (2nd sort)	Pic. ^{per} inf ^{maund}	5. 8	7. 9	7. 5	4. 4	
Wagi	per	3. 2	5. 5	5. 2	3. 8	

These figures would justify special concession to coffee growers if other circumstances were admitted to require it.

6. In estimating the profit or loss from coffee growing it may be urged that the assessment is very low. It does not exceed Rs. 2/- per acre in Coatacamund and Coonoor Taluks, or Rs. 3/- per acre in Gudalur. We should bear in mind, however that not all the area paying assessment is actually planted with coffee. In the estates with an area of 10 or more acres the planted area is 16,784 and the unplanted - which is probably uncultivated - 25,114 acres, nevertheless the total area of 41,898 is paying assessment.

In 1934 the Sub Collector of Coonoor estimated the output of coffee per acre at 2 Cwts. and the cost of production

production at Rs. 40/- to Rs. 50/- cwt. At this rate the cost of working an acre of coffee would be about Rs. 60/- ^{say Rs 70/- to Rs. 150/- and the return in cash would be} If the planters are now working their estates at all, they must be working at a dead loss in the hope of better times and the assessment, which varies between annas 6 and s. 3/-, is an additional burden which they must support from their other resources. Actually a good deal of coffee is being allowed to look after itself.

7. The principle of remission on dry or garden lands (in which latter category estates would logically fall) is based on the assumption that they should pay their assessment in all years, irrespective of the season, unless there is a widespread failure of crops. It takes no account of prices. But while a bad season may be only local a heavy fall in prices affects every coffee grower and may produce greater hardship. In the face of a loss by a fall in prices the owner of a coffee estate is in a worse position than the owner of a field growing an annual crop. The field owner may perhaps change from a good to an industrial or an industrial to a food crop which commands a better price. The coffee planter has sunk a much larger sum of capital in the soil and cannot lightly pull up and replant it.

8. The present state of the industry does, I submit, justify the grant to it ^{of} some concession in the payment of land revenue. Last year on account of the general fall in prices a remission of one anna in the rupee was given on dry lands (including coffee estates) in this District. As the price of coffee then at Rs. 60-8-0 per cwt. has now fallen to Rs. 30/- I would suggest in consideration of this special fall the grant of a remission of 12½ % or 2 annas in the rupee during the current fasli. Should Government agree to this proposal it remains only to consider the practical difficulties in the way of ascertaining the exact areas on which remission would be granted. Unfortunately the statistics available with the Revenue Department for the areas under coffee in this district are absolutely worthless. There is no standing list of coffee estates. We depend on annual returns, over the completeness and correctness of which there is no check whatever. The village settlement registers give the total area under coffee in the village as it stood at the time of the settlement. The settlement Registers of only one Taluk, Gudalur, indicate which fields are 'Estates' but do not specify crop grown on them. The definition of

definition of the word 'Estate' as given in G.O. No. 1902 Revenue dated 1st November 1926 on the Re-settlement of ^{Taluk} Gudalur is 'Areas taken up (generally by European planters) for the cultivation of special products, such as coffee, tea or cinchona'.

The Settlement registers for Cotacamund and Coonoor Taluks were prepared in 1884 and for Gudalur Taluk in 1928. The figures which they provide are quite out of date. From 1896 to 1935 the Collector has been sending annually to the Board returns of the outturn of coffee. In the current year under instructions from the Board, I have furnished the return to the Director of Industries. For the purpose of the return the items of cultivation are ^{ss} claimed as plantations of 10 acres or more, plantations of between 5 and 10 acres and 'patch cultivation' ~~between~~ ^{below} 5 acres in extent. The following table for 1936 will give an idea of the actual areas involved.

Acres actually under coffee.			
Taluk.	Plantations.		Patches. below 5 acres
	Over 10 acres.	5 to 10 acres.	
Coonoor.	9,094	368	1,152
Cotacamund	3,166	288	374
Gudalur	4,523	67	196
Total	16,783	723	1,722

Total for district, 19,228 acres.

9. The process of obtaining the figures is as follows:-
The village Karnam furnishes a detailed list of estates, plantations and patches to the Taluk Office. He shows the total area of each coffee 'Estate' concerned and the area of it actually under coffee. There is no check on these returns. Besides obtaining figures from the Karnams, the Taluk officers send a form to each coffee grower in the district who is expected to fill up the particulars of area and outturn and return it. Many of the planters, who include a large number of small holders, send no returns. As the Taluk officer has no standing list of estates but merely copies of the inaccurate lists of previous years he is unable to exercise any check over the completeness or reasonable accuracy of the returns from either the Karnam or

~~Karnam~~ or the planters. The figures as at present reported are utterly unreliable and the whole system requires overhauling.

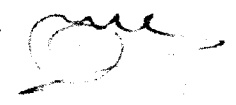
10. Nor do the Revenue Officers make any local inspection ~~though~~ ^{though} in B.P. No. 2411 Routine dated 11-4-28 the Board directed that each estate should be inspected annually (I find that this order has not been carried out, ^{ignored} ~~in~~ for some time. ~~ignored~~). Consequently if inspections are now made by the ordinary Revenue Establishment who have got out of the way of doing them, a good many mistakes may occur. In the face of the B.P. however, I am not prepared to suggest a special establishment for the purpose.

11. The total number of estates as shown by our present unreliable figures is 1,696, thus,

Taluk.	10 acres & over.	5 to 10 acres.	Patches. below 5 acres.	Total
Coonoor.	121	53	866	1,040
Cotacamund	85	45	273	403
Gudalur	36	9	208	253
Total	242	107	1,347	1,696.

The Karnam would have to check each case on the ground and the Revenue Inspectors to make an overcheck. It is difficult to say how long this process would take, but I think six months' would have to be allowed for it. The overcheck might be limited to a percentage, say 40% of the cases in each village.

12. I regret the delay in making this report which is due mainly to difficulties in ascertaining the precise procedure laid down.


Collector.

N.K.N. 21-12-1936 P.

Copy for the Collector's file ✓ 22.12

NK
21.12.36.

In reply, please quote
number, date and
short title.*

Received _____ Registered _____

From (Name) P. Macqueen, Esquire, I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (STATION) Ootacamund.
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

D. Dis. No. 3361/36, dated 30th January 1937.
Sir,

*ADVANCES--LOANS--RELIEF OF INDEBTEDNESS--BADUGA
RYOTS.

Reference: Board's Reference No. F.2464-36-1 dated
the 13th July 1936.

ENCLOSURES _____

SPARE COPIES _____

I have the honour to submit the report called
for in Board's reference No. 2464-36-1 dated the 13th
July 1936 asking whether I was prepared to modify the
opinion expressed in my letter No. D. Dis. B. 2--4788/35
dated 1st February 1936, to the effect that the ryots
in this district would be unable to provide the security
contemplated in the rules for obtaining advances for the
relief of indebtedness.

2. The immediate occasion of the present reference is
a petition to the Board by certain leading Badugas asking
for the relief of the indebtedness of their community
either by the introduction of the new scheme for agricul-
tural loans or by the opening of a Land Mortgage Bank.

3. For practical purposes the Baduga problem is con-
fined to the taluks of Ootacamund and Coonoor. In the
absence of a formal economic enquiry it is difficult to
assess with certainty their resources. It is reasonable
to conclude however, that, unlike the typical cultivator
on the plains, the Baduga does not depend entirely on ag-
riculture for a livelihood. Many Badugas work on tea and

coffee estates and others at the Cordite Factory, Aruvenkadu. Others again are employed as gardeners and house-servants to persons who derive their income from extraneous sources, namely Europeans, Anglo Indians and well to-do Indians. The proportion of the Baduga community which does not depend upon agriculture for a livelihood being unusually high, the problem of indebtedness differs materially from that presented by a community exclusively agricultural, and it is difficult to estimate how much of the total indebtedness is incurred for the purpose of carrying on agricultural operations and how much for quite different purposes.

4. Holdings not economic.

The fact that Baduga holdings are mostly too small to be economic and that each is generally the property of an excessive number of joint owners who all insist on being registered as joint pattadars, erects at the outset a very formidable barrier in the way of any improvement in methods of cultivation. As long ago as 1929, the Board in their Routine No.3029, Land Revenue and Settlement, dated 4-5-1929 anticipated the sub-division of joint holdings to provide security for borrowers from the Land Mortgage Bank then instituted. But I would submit with some hesitation that what is required is not the sub-division of a holding already too small, but the formation of a holding big enough to support a single family and its concentration in one instead of in several hands.

5. Crops.

The crops of the plateau are principally dry grains and potatoes. The tendency now for several years past has been for the area under dry grains to decrease and for that under potatoes to increase. That the cultivation of the potato in this district (which is carried on largely by the women) is of a very low order is not denied by the petitioners themselves. I will here recapitulate briefly the information which I have obtained on this subject from the Superintendent of the Agricultural Research Station at Manjanad. Potatoes

Potatoes are grown on steep hill sides. The Badugas pay no attention to protecting the valuable top soil of their fields from surface wash, they neither terrace nor drain it properly and generally encourage the process of erosion by opening furrows down the slope instead of along the contours. They make no selection of seed potatoes for planting; they do not mind whether they use seed which is diseased, undersized and not properly sprouted. They do not space the tubers properly and they observe no rotation. Consequently, quite apart from any other deficiencies the crop rapidly deteriorates. Good yields can only be obtained by proper manuring. The ryot has never troubled to discover the proper use of chemical manure which he uses indiscriminately and he wastes the supplies of human and cattle manure with which nature has provided him free of charge. Other defects might be mentioned but enough has been said to show that the methods of potato cultivation are thoroughly unsatisfactory. The Agricultural Research Station is endeavouring to disseminate information as to the proper method of manuring. But it cannot yet be said that the ryots have, in general, adopted them.

6. Financial.

The Baduga borrows from Coimbatore merchants to buy his chemical manure and obtains provisions from merchants on credit on the security of the expected crop. When he has pulled his potatoes he must cart them to Mettupalayam perhaps 30 miles down the ghaut and sell them there for what he can get. The sale price to the middle man will vary from Rs.3/8/- to Rs.4/- per bag of 200 lbs., while the middlemen will make a net profit of about Rs.4/- a bag. This large profit is entirely lost to the initial producer. In fact the Badugas method of selling is as inefficient as his method of growing potatoes. It would also seem clear from this that the ryots' difficulties in the Nilgiris are not due to a depression in prices but to a defective system of marketing. The only cure for

this would be the establishment of places of storage controlled by the ryots both in the Nilgiris and close to the retail markets so that the ryots could regulate their sales according to current market prices and absorb the big profits which now go into the pockets of the middlemen.

7. The delay in submitting this report has been due to an attempt to estimate the actual extent of the indebtedness of the Badugas. The enquiries made by my subordinate officers do not appear to me to be very reliable. The best guide would be the estimate by Mr. Sathyanathan, I.C.S., in his report on Agricultural indebtedness (1936) to which I shall refer below.

The indebtedness of the Badugas may be considered under two heads namely that to Government and to Banks or Societies under Government control and that to the general public. I have ascertained from the authorities concerned that the former class of indebtedness exists to the following amounts:--

Item.	Coonoor.	Taluks.	
		Ootacamund.	
Land Mortgage Bank.	4,300	1,000	
Land Improvement Loans Act.	4,866	21,500	
Agricultural Loans Act.	21,341		
Co-operative Societies.	1,57,511	2, 00,000	
T o t a l.	1,98,018	2,22,500	

The grand total of such indebtedness is therefore Rs.4,10,518.

The population of Badugas in the Ootacamund and Coonoor taluks as found at the last census was 42,938. Taking the average family as five in number, this would represent 8,587 families. Mr. Sathyanathan, in his report referred to above, found that the average indebtedness per family in two selected villages of the Nilgiris (presumably Badugas) was Rs.150/- For a population of 8587 the gross indebtedness would therefore be Rs.12,88,050. We can therefore assume provisionally that indebtedness is distributed approximately as follows:--

Loan to Government and recognised Banks and Societies.	Rs.4,00,000.
Loans to general public.	Rs.8,50,000.

T o t a l.	Rs. 12,50,000.

Thus the former class of loan is a little less than half that owing to general public.

Loans under the Land Improvement Loans Act are negligible. There are some under the Agricultural Loans Act. This indicates a poor type of agriculture. It would perhaps be instructive to compare the extent to which the acts are used with that in other districts. The co-operative Societies are far the most important factor in this district representing a total borrowing of Rs.3.57,511 or over a quarter of the total estimated indebtedness. It would appear to be in this direction that the relief of indebtedness should be mainly sought.

8. Government sanctioned the organization of the Land Mortgage Bank in 1929 and wound it up in 1932. The reason why the Bank failed in effecting its purpose was not, as the petitioners allege, lack of sympathy on the part of the Directors or of enthusiasm on the part of the staff, but the simple fact that the poorer ryots who were to benefit could give no security for the loans and had no repaying capacity or, as the petitioners prefer to put it, "the rules prohibiting (sic) the issue of loans to joint pattadars, worked adversely". Upon this rock, I am afraid, the present proposals would again break.

9. I feel strongly that Government should do something to relieve this heavy indebtedness and improve the conditions of the potato industry. But at the same time it seems desirable to sound a note of warning. The object with which Government makes a loan under the Land Improvement Loans Act is to improve the land, the Agricultural Loans Act is intended merely to help the ryot to tide over a brief period of depression. The Land Mortgage Bank has four objects in view, ^{of which} ~~of which two~~ are the redemption of debt and two the improvement of agriculture and the institution of such a bank demands the exist-

The Nilgiri Collector's Office,

Ootacamund, dated 12th February 1937.

ENDORSEMENT.

R.Dis. No. 5213/36

FORESTS - DISAFFORESTATION - ASSIGNMENT TO POORER CLASSES - LANDS CLOSE TO TOWNS.

6.

existence --at any rate in some degree--in the minds of the ryots of certain positive virtues, namely thrift, mutual help and self-help. It must be remembered that all debts are not incurred by Badugas to enable them to conduct agricultural operations. The difficulty of obtaining security for Government loans may perhaps be taken as an illustration of this fact. Again, the thrift and self-help which are postulated as the condition under which a Land Mortgage Bank can succeed hardly seem to exist at present in the mind of the average cultivator and when they are absent mutual help would be far to seek. Perhaps there is room for hope in the existence of Badugas who have displayed enterprise and met with a measure of worldly success as professional men, contractors or traders. But though their success indicates presence of the qualities of self-help and intelligence these have been exercised in walks of life outside the life of the village. If the Baduga is willing to put his shoulder to the wheel, to revolutionise his methods of cultivation, his system of land holding and above all his marketing then and then only a scheme for the liquidation of debts with the help of Government money would be justified. I confess that I see little indication of it at present.

10. The petition dated 25th June 1936 is resubmitted.

S.R. 2-2-37-A.

Collector.
The Nilgiris.

3.2.37

copy to Collector's file.

Refce:- (1) ~~Chief~~ Chief Conservator's Ref.No. 9205/36-D 1 dated 7th November 1936.

(2) District Forest Officer's report D.Dis.No. 3256/36 dated 18th November 1936.

(3) Conservator's Endorsement Ref.No. D 3252/36 dated 9th January 1937.

Forwarded to the Chief Conservator of Forests, Madras.

2. The proposal is to mitigate unemployment amongst "the depressed and other poorer classes" in the Nilgiris by assigning them for cultivation Reserve Forest land containing no tree growth lying near the towns.

3. As a general proposition I am opposed to such a proceeding. The Nilgiri district is an area of great beauty, its downs, particularly near Ootacamund, being unlike anything found elsewhere in India. Its scenery and open spaces are in fact a unique heritage for the enjoyment of all classes of people, both rich and poor. The downs provide a valuable source of wood and grazing to the district itself and their streams supply water for local and domestic and industrial consumption and feed the rivers that irrigate thousands of acres in the plains below.

4. The census of 1931 shows that there were 13,620 persons of the depressed classes in this district out of 1,69,330 or 8 % of the total population. It would in my opinion be the greatest mistake to take the irrevocable step of breaking up wide areas to substitute unsightly potatoe fields and tumble down shacks for green hill sides and to pollute the sources of our drinking water by the surface wash from field manure and by household sullage water. To grant land as suggested would be given to a small body of private individuals what should be common to all.

5. It is not altogether clear what is meant by "the depressed and other poorer classes." I assume the depressed classes to be confined to the Tamil Adi-Dravidas and analogous castes and to exclude on the one hand primitive hill tribes

such as Todas, Kotas, Kurumbas etc. and on the other the Badagas who are the typical cultivators of these hills and are neither 'depressed' nor a primitive tribe. I would suggest that "other poorer classes" be left out of the reckoning.

6. Though the areas which it is proposed to break up for cultivation may be large in their relation to scenery and public amenities, they would be small, in proportion to the persons benefitted and I doubt whether the scheme in a country already over-populated, would prove to be a remedy or even an appreciable palliative for unemployment. It is treating the symptoms rather than the disease. It would certainly spoil the country side but would probably have little other appreciable effect.

7. It must be remembered that there is bound to be some degree of temporary unemployment on the Nilgiris, as much of the employment of the class under consideration is seasonal. A leading planter of Coonoor informs me that the number of Badagas employed as Estate labourers tends to diminish owing to a more intensive cultivation of their land. More labour is employed on Estates now than 20 years ago owing to the general planting up of tea, which took place between 1920 and 1930. This gentleman seldom receives applications for work as estate labourers from persons of the class under consideration. Another leading planter on the Kotagiri side is of opinion that "any cooly in the Nilgiris who wants work and is prepared to do a fair day's task, can find it on the Tea or Coffee Estates in this district." I am not personally convinced that there exists any such ^{un-}employment as would justify the drastic disafforestation of the Nilgiri Downs.

8. It is also very doubtful whether the neighbourhood of a town is a suitable place for the planting of an agricultural colony. It should in my opinion be at least six miles away and have its own market facilities. There is a consensus of opinion that the depressed classes have no capital wherewith to carry on their cultivation and would have to be financed. It seems to me that ^{an} cannot break the soil and by the sweat of his brow for himself, either the pressure

of unemployment cannot be very severe or he is not the type that would ever make as a peasant farmer or finally that this is not an economic proposition. I am strongly opposed to the suggestion.

Macquinn

Collector.

Mr 24/2
P.P.24-2p

✓
Copy to Collector's file.

25/2

REPORTS

WATER SUPPLY

SURVEY.

REVENUE DEPARTMENT.

SUBJECT.

PUBLIC WORKS - RURAL WATER SUPPLY.

R.C.B1. No. 3554/37

Station: Ootacamund Dated 11th March

33

From

P. Macqueen Esq., I.C.S.,

Collector of the Nilgiris.

To

The Secretary to the Government of Madras,

EDUCATION & PUBLIC HEALTH DEPARTMENT,

MADRAS.

Sir,

I have the honour to invite the attention of Government to the pressing necessity of making a survey of the sources of water in the Nilgiri District available for drinking and industrial purposes and to request that this matter may receive full consideration before it is - decided to allot funds for carrying out the specified works of protected water supply adumbrated in Government - Memorandum No. 16381-1, Education and Public Health, dated 28th September 1937.

2. The sources of drinking water in this district are quite unlike those found in other districts of the Presidency, in that they are perennial streams. Consequently none of the three types of protected supply defined in the above Government Memorandum would be of use here. The District Health Officer is of opinion (and I agree with him) that "The source of supply has to be from reservoirs, which can be easily ~~amixx~~ constructed to hold rainwater which flows through natural streams, channels or which can be tapped from springs. The source has to be kept free from contamination". One source of contamination is the existence of cultivation in the catchment areas. This cannot altogether be avoided. But there are places in these areas where land is held by Government for the purpose of sale for cultivation, which cultivation it might be advisable to prohibit. There are other places where the co-operation of the Forest Department to protect sources is necessary. Unless, however, a survey is made with a view to laying down a clear policy, the officers of the Revenue and Forest Departments have nothing to guide them in these matters.

3. A further aspect of the problem is of equal, if not greater importance. It is very necessary to control the continually increasing demand on the available supplies. Under the present system the increased absorption of water for domestic and industrial purposes is haphazard. A person who wants to take water from a government stream applies for a permit, which the Collector normally grants. This process is continually going on and the quantity of water drawn off is continually increasing. The Collector has no means of knowing whether the grant of a permit will adversely affect public interests either as regards the quantity of water absorbed at the place or manner of its absorption. Once a permit has been

has been granted a vested interest comes into existence which cannot afterwards, in fairness, be ignored. The public interests that are likely to suffer are those of the people of the Nilgiris, in general, who are entitled to look forward at a time when an improved system of public water supply will be provided for their use, and of the cultivators in the plains of Coimbatore, Trichinopoly and Tanjore who derive their water for irrigation largely from the ~~xx~~ rivers of the Nilgiris.

4. In the interests of the economy of water and of the improvement and conservation of sources both for those who drink it and those who depend upon it for irrigation, it appears to me that it is imperative to make a preliminary survey of water sources before spending money in carrying out works the selection of which, without a survey, is bound to be haphazard and may be detrimental.

5. I would suggest that this survey might include such points as the following:

- (i) an estimate by villages of the probable maximum needs of the population by the end of 1960.
- (ii) an estimate of the quantity of water available, of how far it will go to meet public needs and the most advantageous means of distributing it.
- (iii) a listing of existing supplies and an examination into unauthorised supplies, public and private.
- (iv) the effect of schemes proposed on existing private supply and proposals for compensating private interests.
- (v) acquisition of land for schemes proposed.
- (vi) preparation of large scale plans for the main catchment areas showing position of existing and proposed schemes and distinguishing public and private lands affecting the supply.

type of protective forest, and the possibility of improving or increasing existing supplies.

(viii) examining the effect of extensive schemes of water supply on irrigation systems deriving water from the Nilgiris.

6. Since I raised this question in March 1937, Government have decided to carry out an extensive ten year programme. The District Board Engineer has sent me a list of 130 works, which he proposes to carry out in the taluks of Ootacamund and Coonoor. Without a preliminary survey there is no means of judging how far this programme goes to meet all public requirements, whether it draws to excess upon the available supplies or whether it distributes the available water to the best advantage. Two other questions of great importance are, how should the District Board deal with interests both public and private affected by these schemes and will the drawing off from running streams of large quantities of water which will not be returned to them again, affect those irrigation systems which receive a substantial supply of water from the Nilgiri rivers and streams.

7. In their order No.Mis.860 P.H., dated 4th March 1938 Government have sanctioned the employment of by the District Board, for one year of a special overseer to carry out a preliminary investigation of the sources of rural water supply in the Nilgiris and to work out the approximate cost of the works to be undertaken. The District Board have already decided on the works which they intend to take up and I understand that the duties of the overseer will be confined to preparing plans and estimates for those schemes. There will be no question of his attempting any general survey such as I have suggested, nor, in fact, would he be competent to do so. To carry out a general survey would require the services of at least of an expert assistant Engineer. An establishment consisting of such an officer with a draftsman etc. working for one year would cost, say Rs.7,000/-. But this is

this is a small sum in comparison with the grant that may be expected from government to carry out the ten year programme and in view of the importance of utilising the water on proper lines.

8. Another important and difficult question concerning control has recently arisen, which I have referred to the Board in my letter R.C.A4.No.2214/37 dated 13th July 1937. The Collector is authorised to issue permits to take water under Board's Standing Order No.11-A. But by amendment to the Local Board's Act of 1920, section 126, that power has been given by statute to the Panchayat in whose area the stream lies. I am therefore in doubt as to whether the Collector has any power in the matter at all. My experience of the work of panchayats in this District suggests that they are not bodies to whom it would be safe to entrust such an important public responsibility as the grant or refusal of permits for taking water and if my interpretation of the law is correct I would suggest that Government might consider the advisability of amending it.

9. In my R.O.C.No. 3430/36, dated 19th March 1937 and its enclosures, I communicated my own views and those of the district officers concerned on the need for a survey of water sources and the preparation of a proper policy of expansion, both from the point of view of public health and of irrigation. When Government in their Memorandum No.16381-1, Education & Public Health dated 28th September 1937 decided to embark on a ten year programme of development, I again in my C.No.B1.3554/37, dated 22nd October 1937 invited the attention of Government to the problem. Assuming that the Collector is in fact responsible for the issue of permits for using water, I shall shortly be faced with up to the demands on the part of the District Board for their debt or ts.

If Government should formally decline this proposal to carry out a survey, the Collector will find himself without any intelligible principle of action in deciding whether to grant a permit to the District Board, which may seriously damage an existing private interest, or to a private party, to the detriment of a public scheme existing or potential. I would request very early orders in the matter.

(Signature)

12-3-38.
COLLECTOR.

SM.12.3.a.

The President District Board, The Nilgiris.
The District Board Engineer, The Nilgiris.
The Executive Engineer, Coimbatore.
The District Forest Officer, The Nilgiris.
The Sub Collector, Coonoor.
Collector's file.

C.F. 32 CONFIDENTIAL

In reply, please quote
number, date and
short title.*

REVENUE DEPARTMENT.

WEST.

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (Station) Ootacamund.
Telegraphic Address _____

To
The Secretary to the Board of Revenue,
Madras.

R.Dis.No.4997/36, dated 3rd April 1937.
Sir,

* LABOUR - DEBT BONDAGE - FORMS PREVALENT -REPORT.

ENCLOSURES _____

Ref: (i) Board's Reference Confidential No. 731/36-1
dated 26th October 1936.

SPARE COPIES _____

(ii) This Office Report R.C.A3.No.4997/36 dated
2nd February 1937.

In continuation of this office report
quoted above, the following further report is submitted
in respect of Ootacamund and Coonoor Taluks.

Ootacamund Taluk. It is reported that most of
the Badagas are in debt to grain merchants from whom they
purchase grain on credit or on pro-notes but that no form
of bondage is prevalent on this account and that they
generally discharged these debts after the potato harvest.

Coonoor Taluk. It is reported that the
Badagas in Kotagiri as well as in the other villages of
the Taluk are in perpetual debt to grain merchants or to
money lenders, that they mortgage or sell their lands to the
creditors on the understanding that if the debt is repaid
with interest within a fixed period, the lands will be
returned to them but that if the debt is not paid within
the period fixed, the creditors automatically become the
owners of the property. Sometimes the crops are taken
away by the creditors in satisfaction of their debt or
interest. Beyond this, no slavery exists.

✓
Copy for Collector's file.

ADMINISTRATIVE -
INTERIM MINISTRY -
PROGRAMME.

GOVERNMENT OF MADRAS

Public Department.

D. O. No. 13-0-3.

Stonehouse Hill,
Dated the 29th April 1937.

My dear

Mr. Green,

Policy and Programme of the Ministry -

Reference G.O. No. 304, Public, dated

26th April 1937.

I am to request you to submit your recommendations for implementing the programme through the Board of Revenue. The Government would particularly like to have your views on the following matters:-

- (1) Excise policy, with particular reference to toddy and arrack shop sales;
- (2) Forest panchayats and
- (3) Labour, in which connection you will no doubt consult your District Labour Officer.

Yours sincerely,

W. B. B. B.

To

All Collectors including
the Collector of Madras

Copy to the Board of Revenue

Revenue Secretariat

Development Secretariat.

1. G.O.No. 804 dated 26th April 1937 reads
more as an election manifesto ~~xxx~~ than as an
administrative order, In that it stresses the
results ^{5/12} which attained but does not, in many
departments, define the principles to be -
followed in attaining them. Where these -
principles are not stated, it is ~~not~~ necessary
to postulate them before outlining a procedure.

2. LAND REVENUE.

Item (1) determines a reduction of the land tax
by 75 lacs of rupees year ^a and item 2 (1) the
appointment of a committee "to revise the
land revenue~~x~~ system to ~~xxxx~~ modern conditions.
An examination ^{into the best} of the ~~best~~ method of assessing
and collecting the land tax would take a consi-
derable time and I assume that our first annual
reduction of the land tax by 75 lakhs of rupees
a year could not be based on principles of
assessment ~~proposed by the committee~~ but must be
effected by a simple rule of thumb method.

The programme lays down a reduction of 25
per cent of the tax on heavily taxed lands and
up to 18 per cent of the ~~tax on heavily taxed~~
lands and up to 18 per cent on other wet and x
garden lands. By examining the Presidency total
for the areas, rates of assessment and demand
of the above on each ^{of the above classes} ~~classes~~ of land, it will
be possible to calculate the percentage by which
each must be reduced ~~x~~ so as to bring about
the desired reduction in the demand. The
percentage reductions ~~six the demand~~ will then
be applied in the villages. The basis of
this demand in a village is the settlement
register. An appendix to this should be
opened showing for each field under reduction
the settlement assessment, the percentage of
reduction and the resulting reduced assessment.

Laid down by
Government
after they
have considered
the Committee's
report

3. LOANS. Etc.

Changes in the rate of interest for agricultural loans present no special adminis

4. EXCISE.

5 EDUCATION.

With regard to Education, I would only suggest that for some years to come the sole aim should be to produce ~~some~~ permanent literacy. All ornamental subjects, such as music, civics and the like should be ignored in assessing the Government grant and that the latter should be paid ~~for~~ per capita on mills who are permanently grounded in the 3 Rs. It does not require a University Honours Graduate to test whether a child can read easily and fluently or an ignorant one.

A reduction of the cost of inspection is here envisaged.

6. FORESTS.

Item (11) proposes

- (a) allowing ryots more privileges inside the reserve forests
- (b) Disreserving a portion of the reserve forests.

(a) is purely a technical matter. Certain areas are reserved as forests with the objects either of preserving general climatic and other conditions or of being worked for the public benefit or profit. It is for the expert to say how far additional privileges can be conceded in respect of grazing and fuel removal without ~~ruining~~ defeating these primary objects.

I am not clear as to the exact significance of the use of the word 'disreservation', the second object of the programme. I assume it to imply a change in the direct management from the Forest Department to Forest Panchayats, as distinct from disafforestation which is a change in the use and nature of the area itself.

It is essential that this point should be made perfectly clear as it has an important bearing on the proposed free grants of 'Government land' referred to in item (3).

7. LABOUR.

I have no local Labour Officer in this district (The Nilgiris). Speaking generally, housing in the towns is a problem that urgently requires to be tackled. Municipal ~~dwelling~~ dwellings should be built for the labouring classes and let at an economic rent. In addition to this, town extensions should be planned and

loans made on reasonable security for the purchase of sites on which to build. For many years past, land at the disposal of Government in villages and in many of the towns has been given away in a prodigal manner without reference to the housing requirements of the people. Nearly two years ago, ~~and~~ I proposed a drastic revision of the house site ~~dark~~ rules, on which, I believe, the orders of Government are still pending. Even in Madras City there are - or were recently - extensive areas at the disposal of Government, which, if properly planned and distributed, would go far towards ^{solving} ~~tackling~~ the problem of housing the labouring classes in that city. I suggest that pending the issue of a ~~comprehensive~~ comprehensive instruction, information should be called for from every district as to the land available for house-sites in towns ^{and} villages, that further grants should be suspended and that drastic action should be taken at once to remove encroachments. ^{The house site rules should be revised so as to make} 8. Government arrives at "providing the schedule classes with lands for cultivation."

From my experience of the Southern districts of the Presidency, I should say that the land at the disposal of Government is barely sufficient for housing purposes and that very little of what remains is of any use for cultivation. I assume that there is no intention of disafforesting areas for grant in cultivation. I would urge that labour problems cannot be solved by grants of lands. Practically all land which has any cultivable value is already occupied. It would be possible

at the disposal
to Government
what can it
regulation
suitable

It is compulsory
to grant sites
for cultivation
which is a
plan

to turn the labourer into a peasant proprietor only by expropriating existing owners. These in turn would fall into the position of labourers and the vicious circle would be complete. Reserved or Panchayat forests should be made available for cultivation, only in so far as their areas are really in excess of forest requirements. This is a question upon which I am unable to pronounce.

9. PUBLIC HEALTH.

The cost of providing a protected water supply in every village will be very great and the scheme could only be carried through over a period of years. It must be preceded by a survey and should be carried out by the local Boards. The cost of providing a water supply in the Nilgiris would probably be proportionately less than in other districts. Owing to the nature of the water sources in this district, a preliminary physical survey would be necessary. I have already brought the urgent need of a survey to the notice of the Government.

10. Item (16) proposes an important administrative change namely to make the village the unit of local board administration. I think that a clear division should be drawn between urban areas and 'districts.' Urban areas should include municipal and non-municipal towns, the latter would correspond to the 'Union' under the old Local Boards Act, and would be determined by the possession of a population of a certain size or conditions definitely urban. The needs of municipal and non-municipal towns differ, not so much in kind as in degree. The 'Unions' suffered in the past from being an appendage of a Local Board instead of being administered in the matter of grants, revenue and

audit along with the Municipalities. They should be brought into the municipal department and the supervisory staff of Government extended accordingly. The 'Panchayats' constituted under the existing Local Boards Act are ~~unworkable~~ bodies which may include villages and small towns scattered over hundreds of square miles and should be abolished. Excluding the towns, there remain the rural areas and villages. It is essential to have some body corresponding to the District Board, charged with the maintenance of communications between ~~the~~ centres of population. There is also something to be said for entrusting them with the management of primary schools and medical institutions. The local boards should also administer the affairs of the villages.

This is hardly possible for the Government to conduct their administration upon the direct control of Government.

It is a desirable what a local board, corresponding to the District Board should administer the affairs of the villages and undertake also the management of the smaller medical institutions a proportion of the primary schools.

My dear Hood,

CODE OF CRIMINAL PROCEDURE - AMENDMENT.

Your D.O.No.2876F-4, dated 26th June 1937.

2. I have consulted the Sessions Judge, Joint Magistrate and Sub Magistrates.

3. The object of the enquiry is to lighten the work of the First Class Magistrates and it is suggested that this could be done by

(i) Empowering Second Class Magistrates to try unimportant first class cases,

(ii) Applying the summons case procedure to certain warrant cases,

(iii) Extending the power of First Class Magistrates to try cases summarily.

4. In my opinion the standard of efficiency in Magisterial courts has remained at a satisfactory level during the last 30 years. The standard in Police work has improved.

5. If we are to empower Second Class Magistrates to try cases at present triable only by First Class Magistrates under Schedule II of the Code of Criminal Procedure, we should, I think, be guided by the following principles,

(i) A governing consideration should be the maximum sentence. It is obviously inconsistent to establish by law a maximum sentence of, say, ten years for certain offences and then to empower a magistrate to try such offences, who can inflict a punishment of only six months.

(ii) It is not worth while extending the powers of second class ^{magistrates} to a lot of cases of rare occurrence

occurrence.

(iii) The type of offences suitable for trial by a Second Class Magistrate is one which is analogous to a class of offences which he is at present empowered to try.

6. The application of the first principles would rule out such offences as causing grievous hurt by dangerous weapons, Section 326 I.P.C.; causing hurt to extort property, I.P.C. Section 327; or robbery, I.P.C. Section 392.

7. The application of the second principle would obviate the consideration of such comparatively minor offences as taking gratification for the exercise of personal influence with a public servant, Section 163 I.P.C.; public servant unlawfully engaging in trade, Section 168 I.P.C. or criminal intimidation by anonymous communication, Section 507 I.P.C.

8. The application of the third principle would rule out the following classes of cases; offences against the State, Chapter VI I.P.C.; giving false evidence, Chapter XI I.P.C.; the manufacture of counterfeit coin and stamps, Chapter XII I.P.C.; causing miscarriage, Chapter XVI I.P.C.; kidnapping, abduction and slavery, rape and unnatural offences, Chapter XVI I.P.C.

9. On the whole it is difficult to suggest any direction in which an appreciable relief may be granted to First Class Magistrates by increasing the powers of Second Class Magistrates.

10. To apply the summons case procedure to cases now tried under the warrant case procedure would involve either an amendment in the definition in paragraph 4 (w) of the C.P.C. by altering the words 'six months' to, say, 'one year' or a complicated amendment of the procedure in

in a number of individual cases. I doubt whether either of these courses would be desirable or, if followed, would materially reduce the time taken in trying cases.

11. The best line to follow would be to increase the power of the First Class Magistrates to try cases summarily.

Yours sincerely,

H.M. Hood, Esquire, C.I.E., I.C.S.,
Secretary to Government,
Home Department,
Stonehouse Hill.

In reply, please quote
number, date and
short title.*

Received.....Registered.....

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box....., (STATION) Ootacamund.

Telegraphic Address.....

To

The Secretary to the Board of Revenue,
Separate Revenue,
Madras.

Perl. No. 110/37, dated 15th July 19 37

Sir,

* ADMINISTRATION REPORT - EXCISE - 1936-37 - THE
NILGIRI DISTRICT.

Ref: B.P. D.No.758-Abk., dated the 10th April 1937.

ENCLOSURES.....

SPARE COPIES.....

COUNTRY SPIRITS.

1. Contract Supply. The contract supply system continued as in the previous year. The suppliers were - Messrs. Rao Bahadur A.T. Thiruvengadaswamy Mudaliar & Sons, Coimbatore. The issues were made from the Coonoor Warehouse.

2. Issue strength and limit of private possession. The issue strength of arrack continued to be 35° U.P. The limit of private possession continued to be 4 drams.

3. Depots and shops. There are no depots in this District. There were five arrack shops during the year against four during 1935-36.

4. Consumption. The total issue of arrack was 9,339.85 proof gallons against 9,009 during 1935-36. The consumption per hundred of the population was 5.52 against 5.32 during 1935-36.

5. Revenue. The revenue from country spirits was Rs.2,65,736 against Rs.2,86,036 during 1935-36. Comparative figures are:-

		1935-36. Rs.	1936-37. Rs.
Rent	...	2,26,920	2,06,100
Duty	...	59,386	59,636

The rentals went up very high during 1935-36 owing to reckless bidding and the renters lost heavily. Hence the fall in the rental during the year under report. The fall under duty is slight. The rate of duty continued to be Rs.4-3-7 per gallon of 35° U.P.

TODDY. 6. Rates of tree tax. There was no change in the rates of tree tax during the year.

7. Limit of private possession. There was no change in the limit of private possession of toddy during the year.

8. Shops. No shops were opened in Gudalur Taluk of this District where the tree-tapping rules are in force.

9. Consumption. ---NIL.---

10. Tapping for domestic consumption. The concession of allowing not more than one sago palm for each tree owner for domestic consumption on payment of tree-tax continued.

11. Imports from Hyderabad. No cases were reported during the year.

12. Tapping for sweet juice for jaggery. No cases were reported during the year.

13. Revenue. The revenue derived under "tree tax" was Rs.270/- against Rs.63/- during 1935-36.

FOREIGN LIQUOR AND DENATURED SPIRITS.

14. Licences. The following F.L. and D.S. Licences were issued during the year:

F.L.1	...	3
2	...	10
3	...	2
6(a)	...	7
7	...	2
9	...	2
10	...	7
11 and Special	...	39
13	...	3
17	...	6
20	...	7
D.S. 2	...	19
D.S. 3	...	3
M.A. 2	...	17
M.A. 3	...	1

The temporary F.L.10 licence at Mukharti was not renewed for 1936-37. One F.L.1 licensee did not renew the licence during the year. One F.L.6(a) (beer) shop was newly opened at Wellington.

15. Consumption. The consumption of foreign liquor and denatured spirits during the year with the corresponding figures for the previous year is furnished below:

		1935-36. Gallons.	1936-37. Gallons.
Spirits.	...	9697--6	8558--6½
Wines.	...	1824-14½	1778-23-1/6
Beer.	...	1,1454-14	1,19395-14

The slight decrease in the consumption of "spirits" and "wines" is probably due to the retail selling price being enhanced by the levy of gallonage fees. There is an increase in the consumption under "beer". This is due to the opening of a beer shop at Wellington. The consumption of beer is reported to be on the increase owing to its comparative cheapness.

The consumption of denatured and rectified spirits was 1277--13½ gallons against 1146--43 during 1935-36. The increase is slight and does not call for any special remarks.

16. Revenue. The total revenue derived from foreign liquor amounted to Rs.2,55,814 against 2,16,071 during 1935-36. The figures below show the revenue under the four main heads during the years 1935-36 and 1936-37.

	1935-36. Rs.	1936-37. Rs.
(1) Duty on country brewed beer.	92,418	1,03,209
(2) Rents of beer shops.	1,06,140	127,920
(3) Fixed fee licences.	17,513	9,487
(4) Gallonage fees.	Nil.	15,198

The increase under items (1) and (2) is attributed to the opening of a new beer shop at Wellington and the rentals were high due to the prospects of issue of one bottle of beer at a time for consumption off the licensed premises.

The decrease under item (3) is due to the reduction of the annual fixed fees in respect of F.L.2 licences from Rs.1000/- to Rs.50/-. Nine F.L.2 licences were issued during 1935-36 and ten during 1936-37 and the licence fees collected were Rs.8750/- and Rs.500/- respectively. The gallonage system was brought into force from this year.

OPIUM. 17. Shops. There was no change in the number of shops during the year. No shops were working under restrictions.

18. Consumption. The consumption was 234 seers 40½ tolas during the year against 246 seers 79 tolas during 1935-36. The consumption is almost steady.

19. Issues for veterinary and quasi-veterinary purposes. No issues were made during the year.

20. Retail price. The average retail selling price ranged from Rs.140/- to Rs.160/- as shown in the G.17 statement.

21. Duty. There was no change during the year.

22. Cocaine and allied drugs. No seizures of illicit cocaine and allied drugs were reported during the year.

23. Revenue. The total revenue derived from Opium was Rs.33,610/- against Rs.35,504/- during 1935-36. The fall is attributed to the prevalent general economic depression.

HEMP DRUGS. 24. Duty. The rate of duty and the limit of private possession remained unaltered.

25. Shops. There was no change in the number of shops during the year. No shops were working under restrictions.

26. Consumption. The consumption was 79 seers 9 tolas during the year against 83 seers 4½ tolas during the previous year. The consumption is almost steady.

27. Revenue. The revenue amounted to Rs.5994/- against Rs.6510/- during 1935-36. The fall is attributed to the general economic depression. There are no special reasons for this decrease.

OFFENCES. 28. The following offences were reported during the year:

- (1) Smuggling of liquor from one tract to another where the duty varies and liquor is brought into the tract where the duty is higher ---- 5 cases.
- (2) Illicit distillation ---- 2 cases.
- (3) Possession of illicitly distilled spirits -- 2 cases.
- (4) Illicit tapping of toddy --- 3 cases.
- (5) Illicit manufacture of toddy by other means - 5 cases.
- (6) Unlicensed sales of liquor --- 2 cases.
- (7) Possession of liquor without licence -- 25 cases.
- (8) Unlicensed possession of intoxicating drugs -- 8 cases.

EXCISE ADVISORY COMMITTEE AND LOCAL BODIES.

29. There were no Excise Advisory Committees or Licensing Boards or temperance organisations or communal sangams in this District during the year. A beer shop was opened at Wellington at the instance of the Wellington Cantonment Board.

At the instance of the Executive Engineer, Mukharti, a temporary F.L.10 licence was granted for the last few months in 1935-36 and it was replaced by an arrack shop during the year 1936-37.

30. Closure of shops during festivals and election days. The closure of shops during festivals and election days have not had any appreciable effect on consumption or crime.

31. Paragraph 4 (ii) of the Board's Reference.
The experiment of prohibiting the sales of liquor except on a medical certificate to the members of the hill tribes in this District continued during the year. The Assistant Commissioner reports that the experiments cannot be said to have been a success. In C.P.R.No.299 Abk.,37, dated 5th February 1937, the limit of private possession of arrack in this District has been reduced to 2 drams with effect from the 1st April 1937 and the Board has called for a detailed report on the effect of the reduction in the limit of private possession of arrack and the question of the further continuance of the experiment. The advisability of continuing this experiment is being examined and will be reported along with the Arrack proposals for 1938-39.

32. The usual statements are enclosed. The Excise Inspector, Coimbatore has been asked to reconcile certain discrepancies in the G.40 statement and to submit a revised statement. It has not yet been received. This statement will be submitted soon after it is received from the Excise Inspector.

SM.15.7.a.

Copy for Collector's file.

18-7-37
COLLECTOR.

C.F. 32.

CONFIDENTIAL.

REVENUE DEPARTMENT.

In reply, please quote number, date and short title.*

Received _____ Registered _____

From (Name) P. Macqueen Esquire, I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (STATION) OOTACANUD.
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
MADRAS.

D.Dis No.2617/37 (Conf), dated 21st July 1937
Sir,

* DEPUTY TAHSILDARS - LIST - INCLUSION OF CLERKS OF THE LOWER DIVISION.

Ref:- Board's Ref.No.D.3454-37-1(Conf), dated 10th July 1937.

ENCLOSURES _____

SPARE COPIES _____

The proposal is to give preferential promotion to Upper Division posts. I think such an arrangement would have a depressing effect on the work and outlook of clerks of the lower division who have not qualified themselves for Deputy Tahsildars' posts but who may be capable of doing, for all practical purposes, as good work as clerks as those of the Lower Division whose work and capacity mark them out for eventual promotion to Deputy Tahsildar. The obvious remedy seems to be to include, in exceptional cases, clerks of the Lower Division in the list of Deputy Tahsildars and to give them promotion as Deputy Tahsildars as and when vacancies arise instead of promoting such men to the Upper Division posts over the heads of their seniors.

Collector.
4-7-37.

Copy for Collector's file.

In reply, please quote
number, date and
short title.*

REVENUE DEPARTMENT.

Received.....Registered.....

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box....., (STATION) Ootacamund.
Telegraphic Address.....

To

The Secretary to the Board of Revenue,
Separate Revenue,
Madras.

R.C.B2. No. 2075/37, dated 4th August 1937
Sir,

* ABKARI - ABKARI AND OPIUM SHOPS - REMOVAL FROM
VICINITY OF SCHOOLS ETC. - NON-ADMISSION OF WOMEN
AND CHILDREN INTO SHOPS - INSTRUCTIONS - STRICT
OBSERVANCE.

ENCLOSURES.....

SPARE COPIES.....

Ref: Board's Memo, C.R.No.5702-Abkara-37-1 dated
15th May 1937.

The following shops transgress the rules
in Excise Standing Order No. 10(b) (3), Volume II, in
the matter of location.

(1) Beer Shop at Kandal. This is located in a
temporary shed on municipal land. Though it is not in
proximity to places of worship, schools, hospitals, -
factories etc., it is in a locality inhabited by members
of the depressed classes, who are the chief inhabitants
of Kandal. As a matter of fact, the shop is intended to
meet the demand of these classes. The removal of the
site of this shop is under consideration but it is very
difficult to find a suitable alternative site.

(2) Arrack shop, Ootacamund. This is located in
a private building in the Upper bazaar road. It has
been there for a very long time. There are no places
of worship, schools, hospitals, factories or other
places of public resort close to the shop, but it is
situated in the heart of the town. The Hobart Girls'
School about 50 yards from the shop is situated on the

-2-

REVENUE

DEPARTMENT.

Hobart road and the arrack shop is on the Upper bazaar road. The shop and the school being in different ~~xxxx~~ streets, no inconvenience has so far been felt.

(3) Beer shop. Pandalur. This is located very close to a Mariamman temple. The Roman Catholic church and the Panchayat Board Dispensary are also close to the shop. The shop has been located there for the past five years and no trouble has arisen so far. No other suitable site is available.

(4) Beer, Ganja, Opium & F.L.2 shop, Gudalur. These four shops have occupied the same sites in ~~Gudalur~~ Middle Gudalur for the past ten years. They are close to each other. There is a Vinayagar temple closely and a Mohammadan Mosque about 200 yards away from these shops. No trouble has arisen on account of their present location. No other suitable sites are available and there are no Government lands.

(5) Arrack shop, Gudalur. This is situated at Bandipet, Gudalur in the middle of the bazaar (a place of public resort). There is a Mohammadan Mosque about 200 yards west of the shop. No trouble has arisen on account of the location of this shop, which has been there for the past ten years. There are also no other suitable buildings to locate the shop.

2. If the rules are strictly enforced, most of the liquor and drug shops in this district will have to be shifted and, as no suitable alternative sites are available, it will involve closing them down. I request orders as to what action I should take in the matter.

SM.5.8.a.

-8-37
FOR COLLECTOR.

Copy for Collector's file.

Received 19 . Registered 19

Subject.

DEPOSITS - REVENUE DEPOSIT - CREDITING OF GUN
LICENCE FEES - WHETHER PERMISSIBLE.

ENCLOSURES.

No.

Spare copies

Cl No 514/37

Station Ootacamund, Dated the 7th day of August 1937

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) Collector of the Nilgiris.

To The Secretary to the Government of Madras,

FINANCE Department.
MADRAS.

Sir,
Through
The Secretary to the Board of Revenue,
Madras.

Sir,

Gun licence and Petroleum licence fees are being received in cash along with the applications for licence in this office. They are kept in this office cash box and the applications are referred to the subordinate officers for report. It takes nearly two months to get back reports

from them. In the meantime, the money received lies idle in the cash box of the office. During the licensing periods the money accumulates to over Rs.200/-. It is undesirable to keep such large sums out of the general balances of the treasury.

2. If the licences are granted, non-judicial stamp papers are purchased; if refused the fees are returned to the applicants by Money Order at their cost. It is not possible to credit such amounts at once to Government to IX Stamps for the following reasons:-

(1) Under the Indian Stamps Act, Section 49 note 6 a (Correction slip) the gun licence fees received in the form of money have to be returned to the applicants in cash.

(2) If non-judicial stamps are purchased and if licences are refused, they will have to be returned to the applicants with a direction to apply for a refund. A lot of applications for the refund of stamps duty will arise. Moreover the applicants will have to pay discount at 0-1-0 in a rupee.

(3) If the licence fees are credited at once to IX Stamps Non-Judicial and if no stamp papers are purchased, there will be account discrepancy between the total receipts under Stamps and the total amount under the sale of non-judicial paper.

3. To avoid the above difficulties and to avoid large sums lying idle in the General Branch Cash box of this office, I suggest that the gun licence fees may be credited to Revenue Deposits in the first instance. If licences are not issued, the money may be returned to the applicants by means of a refund voucher and if issued the money may be adjusted to non-judicial stamps and non-judicial stamp papers will be purchased. This will increase the number of items under Revenue Deposits, but the balance of advantages is in favour of the proposal.

4. I referred the matter to the matter to the Accountant General, Madras. He says that the orders of Government are necessary for crediting gun licence and petroleum fees to Revenue Deposits. I request that the Government may be pleased to accord the necessary sanction and to issue necessary amendment to Article 341 of the Madras Financial & Account Code.

SM.9.8.a.

2/2
18/8
For Collector.

Copy for Collector's file.

**PROCEEDINGS
MEMORANDUM**

OF THE COLLECTOR OF THE NILGIRIS, OOTACAMUND.

Post Box No. _____ Telegraphic Address _____

Name P. Macquoen Esq., I.C.S., Collector.

R.C.A.S. No. 2691/37, dated 7th August 1937.

Short title FORESTS - THE NILGIRI PLATEAU - BADAGA FUEL SUPPLY SCHEME.

READ—the following:—

In connection with the supply of fuel to the villagers in the Nilgiris, it is under consideration to form village santhavats and to abolish the 'free permit' system and where possible to form fuel reserves for the use of the villagers. Land, where available, should be set apart for the purpose and the plantations would be made and managed by the villagers for their own use and at their own expense.

2. The types of land that might be available for such a purpose are:

- (i) Land available for sale for cultivation.
- (ii) Grazing ground poramboke.
- (iii) In a few cases deteriorated forest reserves.

3. The Tahsildar Coonoor and the Deputy Tahsildar, Ootacamund are requested to furnish information in the following form

Column 1.	Revenue village.	By a village unit is taken to mean a compact collection of houses.	
Column 2.	Name of village ^{unit} or unit in a several group for which a plantation is proposed.		
Column 3.	Appendix - Number of houses.		
Column 4.	Area of plantation required according to standard calculation i.e., 24 acres to an average village.		
Column 5.	Land available	Burkast.	S.No.
Column 6.			Area.
Column 7.	Land available	Village Grazing	S.No.
Column 8.	...	Ground.	Area.
Column 9.			Area.
Column 10.		Other Area.	S.No.
Column 11.			Area.
Column 12.	Total area.		
Column 13.	Remarks.		

Note in Column 12 whether there is any deteriorated Reserve Forest which is likely to be available.

3. The area reported on should be compact and within a measurable distance of the village, say, not more than a mile at the nearest point.

P. Macqueen
Collector.

/True copy/
By order/

SE. 9.8.37.
31.8.37.

Head Clerk.

To the Tahsildar, Coonoor and the Deputy Tahsildar, Ootacamund.
Copy to the Sub Collector, Coonoor.
Copy for Collector's file.

C.F. 32.

In reply, please quote
number, date and
short title.*

Revenue DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen, Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (Station) Ootacamund.
Telegraphic Address _____

To

The Director of Industries,
M a d r a s.

Perl. Al- No. 170/37, dated 3rd August 1937.
Sir,

* STATISTICS - SEASON AND CROP REPORT - FASLI 1346

ENCLOSURES _____

SPARE COPIES _____

SEASON. The rainfall during the year was sufficient. There was a slight decrease in the South West and North East monsoon in Gudalur Taluk. The outturn of crops is generally fair. There was slight increase in the prices compared with the previous year. The price for potato is said to be not satisfactory owing to the costly cultivation by using chemical manure instead of cattle manure by the majority of cultivators.

2. CLASSIFICATION OF THE AREA. The area of the district is 628537 acres according to the traverse survey. Of this 49 % is Reserve Forest, 7 % land not available for cultivation 7 % waste and 23 % fallow; The remaining 14 % represents the area under cultivation.

3. IRRIGATION. The area irrigated in the district is nil.

4. AREA SOWN WITH CROPS. There was an increase of 136 acres over last year in the area cultivated in the year under report. The increase is small and calls for no special remarks.

5. OUTTURN. The outturn of all the chief crops was generally fair.

6. PRICES, TRADE AND STOCK. The food grains produced in this district are generally consumed by the growers and not brought to market. The district depends on supplies from the plains and the prices therefore vary according to the conditions in the plains. There was a slight increase in

in the price.

7. CONDITION OF CATTLE. The condition of cattle was generally fair throughout. There were a few strary cases of rinderpest, foot and mouth disease, and malignant sore throat in certain parts of the district but there were only a few deaths.

8. CONDITION OF AGRICULTURAL CLASSES. The badagas of the plateau taluks and chettis of Gudalur taluk form the chief agricultural population of the district. The badagas generally cultivate their own lands and also work as labourers on estates or as road coolies. The badagas are indebted owing particularly to the costly cultivation adopted by them and to fall in prices of potatoes. The condition of the badaga tea cultivation has improved slightly on account of the introduction of quota system.

9. PUBLIC HEALTH. The public health was generally fair except for a few cases of small pox in parts of Ootacamund Taluk. The incidence of malaria was greater than the previous year in Gudalur Taluk.

10. LAND REVENUE REMISSION. There were no remissions of land revenue owing to adverse seasons in the district except the general remission of a portion of wet assessment ordered in G.O.No. 2272 Rev. dated 21st October, 1936.

11. The statements in the prescribed forms are enclosed. The statements of (i) Forest area and (ii) agricultural crops included in G. Return will follow.

[Signature]
S.G.10-8/p.

Copy to Collector's File.

[Signature]
-8-37.
for Collector.

STATISTICS - AGRICULTURAL - FASLI 1346 - SPECIAL CROPS - AREA.

Taluk.	Actuals.		Estimate.		Total of columns 2 to 5	Remarks.
	Irrigated.	Unirrigated.	Irrigated.	Unirrigated.		
1	2	3	4	5	6	7
<u>Paddy.</u>						
Coonoor.	--	--	--	--		
Ootacamund	--	--	--	--		
Gudalur.	--	5613			5613.	
Total.	-	5613	-	-	5613.	
<u>Cholum.</u>						
Coonoor.	--	57	--	--	57	
Ootacamund	--	30	--	--	30	
Gudalur.	--	24	--	--	24	
Total.	--	111	--	--	111	
<u>Ragi.</u>						
Coonoor.	--	405	--	--	405	
Ootacamund.	--	1131	--	--	1131	
Gudalur	--	891	--	--	891	
Total.	--	2427	--	--	2427	
<u>Castor.</u>						
Coonoor.	--	--	--	--	--	
Ootacamund	--	2	--	--	2	
Gudalur	--	3	--	--	3	
Total.	--	5	--	--	5	
<u>Gingelly.</u>						
Coonoor.	--	--	--	--	--	
Ootacamund.	--	15	--	--	15	
Gudalur	--	--	--	--	--	
Total.	--	15	--	--	15	

Collector's Office, Ootacamund
dated 9th August 1937.

[Signature]
S.G. 10-8/p.

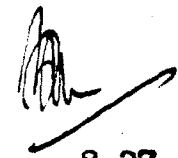
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-8-37.
for Collector.

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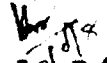
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STATISTICS - AGRICULTURAL - DIFFERENT CROPS AREA AND ESTIMATED
OUTTURN - NILGIRIS DISTRICT - 1936-37.

Crops.	Total area sown in the year.	Area harvested on which the outturn is estimated.					Total.	Remarks.
		13-16 14 ²	12 As.	8-11 9 ²	4-7 5 ²	0-3 1 ²		
1	2	3	4	5	6	7	8	9
1. Paddy	5613		2182	3431			5613	
2. Cholum.	111			64	44	3	111	
3. Cumbu	7				7		7	
4. Ragi	2427		53	1652	722		2427	
5. Tenai	--	--	--	--	--	--	--	
6. Samai	4156		210	3050	896		4156	
7. Maize	--	--	--	--	--	--	--	
8. Bengal- gram.	5			5			5	
9. Horsegram	12			12			12	
10. Sugar- cane.	4			2	2		4	
11. Gingelly	15			15			15	
12. Castor	5			5			5	
13. Tobacco	25			21	4		25	
14. Ground- nut	--	--	--	--	--	--	--	
15. Cotton	15			10			5	


-8-37.
for collector.

Collector's Office, Ootacamund,
dated 9th August 1937.


S.G.10-8/p.

REVENUE DEPARTMENT.

Received 19 . Registered 19

Subject.

TEA - EXPORT REGULATION SCHEME.

CONFIDENTIAL.

ENCLOSURES.

No.

Spare copies:

R.C.A1. No. 3408/37

Station Ootacamund. Dated the 24th September 19 37

From (Name) P. Macqueen Esq., I.C.S.,
 (Designation) Collector of the Nilgiris.

To The Secretary to the Government of Madras,
 DEVELOPMENT Department.

MADRAS.

Sir,

Ref: Government Memorandum No. 3438-II/37-3 dated
 16th September 1937.

1. I have the honour to offer my remarks on the grievances of the owners of small Tea Estates in this district, as set out in the Memorandum of Mr. H. B. Ari Gowder M.L.A. and to the Draft Bill prepared by the Indian Tea Association of Calcutta which has been submitted for consideration to the Government of India, copies of which, with connected papers ^{were} sent to me, in Government Memorandum Confidential No. 3438-II/37-3 dated 16th September 1937.

shall

I refer to these documents respectively as 'the Memorandum and 'the Draft'.

2. In order to steady the price of Tea in the International market and to guarantee a reasonable profit to those engaged in the industry, a system of restricting production and export has been in force in this and other tea producing countries since 1933. This restriction is based on an international agreement. Until very lately restrictions on industry have been imposed only for the purpose of raising revenue or of protecting competing groups. But the Indian Tea Control Act XXIV of 1933 introduces an entirely new principle, namely the control of an industry solely for its own benefit, and, being based on an international agreement, is likely to have far-reaching consequences in the sphere of international relations. The Act of 1933 ceases to have effect after 31st March 1938. Meanwhile the conditions of the industry have led the contracting countries to decide to continue restriction for a further period of five years. On the 1st November 1936 the British and Netherlands Governments entered into an agreement to restrict the export of Tea from India, Ceylon and the Netherlands East Indies. The quota for each country is to be decided annually by the International Tea Committee and the allotment to India for the year ending 31st March 1939 is 383,242,916 lbs. The present problem is to divide this export quota among tea growers as fairly as possible. The Act of 1933 in Section 14(1) read with Section 2(c) left ~~unlike~~ the distribution of the All India quota to a Committee acting under rules framed under the Act. The draft is explicit and proposes in section 14(1) that the export quota of each Tea Estate "shall be that amount of tea which bears the same proportion to the crop basis of the tea Estate as the total of the Indian Export Allotment bears to the total crop basis of all tea Estates." This is a fair principle of division which should only be deviated from, for very special reasons. The Draft does not propose any serious departure from the machinery of the present Act though it is in some directions more specific and I can see nothing in it, to justify, the sudden

appearance of so-called grievances which have ^{lain} been dormant ^{since} ~~in~~ 1933. It is significant that the memorandum approves the principle of export control. It is concerned only with the details of the control and to extract out of the proposed new legislation as much profit to the small growers as possible.

3. The Memorandum makes a number of demands which may be grouped as follows:-

- (i) That small gardens so far omitted from assessment should ~~be~~ now be included.
- (ii) That the permission for extending the cultivation of tea should be set apart mainly for small growers.
- (iii) That the crop basis for small gardens should be fixed at the same ~~as~~ rate for large estates viz., 400 lbs. per acre irrespective of the actual.
- (iv) That applications from Estates already ~~on~~ the registry for re-assessment should be entertained.
- (v) That small growers should not be charged any appeal fee or cost of assessment.
- (vi) That the appellate authority should be the local government.
- (vii) That the draft bill of the Government of India should be published for consideration.

Thus it will be seen that the demands which the Memorandum makes for special treatment may be grouped under three heads, viz., inclusion of areas now excluded, (i) and (ii), assessment to crop on an artificial basis, (iii) and alterations in procedure, (iv) ~~to~~ to (vii).

4. Omission from the Quota. Under the Act of 1933, the inclusion of an estate in the quota depended on application and was calculated on the ~~estate between 1929 and 1932~~ ^{estate between 1929 and 1932} speaking generally the output recorded in the accounts kept by the Estate between 1929 & 1932. Speaking generally the small growers of the Nilgiris, most of whom are Badagas, keep no accounts and made no application to be included in the

quota. The Tea Control Committee was good enough, however, to undertake a special survey of small estates, at no inconsiderable cost. I understand that the survey cost, for the Nilgiri District, about Rs.15,000/- and for the whole of South India about Rs.50,000/-. The number of small holdings registered up-to-date by the Tea Control Committee is 2082 with an acreage of about ^{5,500}~~55,000~~. The Memorandum speaks of "about 2300 small owners and who own on the whole 5500 acres." I do not know how the figure in the Memorandum was arrived at. I should regard it as quite unreliable. The survey of small holdings was carried out with care and thoroughness and with the help of a leading Badaga tea planter and of the Village officers. I am not aware that any complaint was ever made of partiality or lack of thoroughness. The difficulties of inspection, however, in a mountainous country like the Nilgiris and the absence of details in the official records by which small estates could be enumerated and located, make it just possible that a very few small holdings, which would otherwise have been entitled to claim a share in the quota under the existing Act, may have escaped registry. I do not think there would be any objection to allowing claims to be put in by such owners by modifying the definition of 'Estate' in the draft so as to include all areas on which tea was growing prior to 1st April 1933.

5. ~~The demand~~ Extension of cultivation.

The demand in the Memorandum that "the proposed permission for extension of tea cultivation ^{Set} ... should be mainly if not wholly set apart for the benefit of small gardens" suggests a failure to appreciate the facts. The international agreement - any modification of which is out of the question - allots to each contracting country an area for extension amounting to one half of one per cent. This, for the Nilgiri District, whose planted area is approximately 39,000 acres, works out at about 195 acres. The share of each small owner in this 195 acres would be ^{infinitesimal}~~infinitesimal~~. Nor would it be possible to check the planting up of numerous minute extensions

and to prevent abuses. Moreover, this small area is not intended for a normal extension of the area under tea, but "for such experimental or other special purposes as its government may consider necessary and with the express permission of such Government." The demand referred to being irrelevant to the conditions laid down in the International Agreement which governs the whole scheme, may well be ignored.

6. Crop Basis. The Memorandum does not assert that the committees have gone wrong in assessing the crops on Estates for the purpose of the quota. But it demands that the crops of *small* ^{owners} should be assessed at 400 lbs per acre, a figure which they have seldom or never actually reached. The principle on which the output of an estate is estimated for the purposes of the quota is to take the output as shown in the Estate accounts for the best year between 1929 & 1932. No arbitrary figure is applied to any particular class of estates. The committee endeavoured to arrive at the facts by taking the data furnished by the estate accounts or, in the absence of such accounts, to estimate the output by an actual inspection of the crops. There was, however, an exception to this rule of equity, which ^{is heavily} ~~would only be~~ in favour of the small holders. In the absence of any accounts they were assessed in 1933 on an estimate framed by the Licensing Committee's assessors by actual inspection. Of the total small holding area of approximately 5,500 acres, 56 per cent was mature tea and 44 per cent immature. The immature tea is obtaining quota at the rate of 400 lbs an acre, in accordance with the allowance provided for under the Act. The average Badaga cultivator never has and is never likely to reach such a yield. It appears to me that the owners of immature tea have been extremely ~~lucky~~ lucky to obtain such a high assessment; but that would be no justification for applying to the owners of mature tea a rate which is obviously ^{and} artificial/which, in effect, penalises the other interests engaged in the industry.

8. Reassessment. The Memorandum asks that estates already on the registry should be allowed to put in a claim for reassessment. I have already dealt with the demand that the rate of crop should be fixed at ~~an~~ ^{an} ~~higher~~ figure higher than is justified by the facts. I assume here that re-assessment refers to the correction of mistakes in calculating the output of mature crops. There is no reason to suppose that the number of under-assessments is appreciable. The figures, quoted in the Memorandum for the Kotagiri area are, I understand, in accordance with facts, the small tea estates in that area being very poor in quality. I can, however, see no reason why the rules - should not provide for applications for re-assessment subject to adequate safeguards, in the shape of fees etc, against frivolous applications.

8. Fees. I have pointed out in para that even if a concession is made to small owners who have, from their own omission, failed to apply for registration, the number of genuine cases of this kind would be very small. The minimum fee proposed for re-assessment is Rs. 50/-

. The small holders can sell this quota annually at from Rs.50 to Rs.80 per annum. This is a clear profit over and above what he may get for the sale of his tea. A fee of Rs. 50 can therefore, hardly be considered excessive. If the fee is unduly lowered a crop of false application is sure to spring up and a very unfair burden be placed on the industry as a whole. In any case the level of fees is a question not for the act but for the rules on the act.

9. Appellate Authority. The Act is a Government of India Act. The detailed administration of the Act is in hands of "Standing Sub Committees in the Provinces, against whose ^{decisions} ~~discussions~~ there is an appeal to the Indian Tea Licensing Committee and a final appeal to the Governor-General -in-Council.

in-Council. The Act is adequately provided with appellate machinery and in the absence of any reasons to justify such a demand, it may be ignored.

10. The Memorandum states that unless the demands numbered 1 to 6 are ^{conceded} ~~amended~~, certain results will accrue. I will deal with these ~~seriatim~~.

I have already suggested that the small estates that would have been included in the present quota but for their failure to apply may be allowed to do so now and that Estates now on the registry may be allowed to apply for reassessment. The number of genuine cases in either class must be very small.

It is stated that the "provision sought to be taken by the Licensing Committee under the Bill for reducing or withdrawing the quota already allotted to Estates ... will adversely affect the small gardens." This statement is not altogether clear. If his proposal to allow re-assessment is accepted, Mr. Ari Gowder cannot complain if it results, where the conditions of the holding demand it, in the reductions or withdrawing of the quota. As the rule stands at present, however, no garden of any size can have its quota taken away or even be re-assessed unless it has failed to produce tea, amounting to its export quota, in at least one of the five years of the currency of the present Act.

11. Conclusion. The Memorandum closes in highly coloured language which is entirely unjustified by the facts. There is not attempt to ^{wipe} ~~the~~ small gardens out of existence. They have in fact been treated with extreme indulgence. Although they export no tea, they have been admitted to the export quota, which means, in effect, that the small ^{holders} holding put about Rs.4 lakhs into their ^{pockets} ~~products~~ annually over and above what they make by the sale of their tea. The drafting of the new Act guarantees them a continuance of this arrangement. The Memorandum breathes a distrust which in view of the real facts of the case I cannot help but regard as artificial. I submit

I submit that the only demands which might reasonably be accepted are those relating to admission to the quota estates which, had it not been for their own indifference, would have been admitted under the present Act, and the request for re-assessment to bring the quota into line with the actual facts. All the other demands, including that for circulation of the bill, may be refused.

P. Macqueen
25-9-37
COLLECTOR.

SM.24.9.p.

Confidential.

C.F. 32.

In reply, please quote number, date and short title.*

REVENUE DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen, Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (STATION) Ootacamund.
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
M a d r a s.

R.Dis. No. 3252/37, dated 28th Septem. 19 37
Sir,

* LABOUR - DEBT BONDAGE - SYSTEM - REPORT.

Board's Reference Confdl. No. 688/37-1, dated 2nd September, 1937.

Of the three taluks in this district, the more serious evil connected with debt bondage is considered to be prevalent in Gudalur taluk.

2. The Paniyas who are farm tenants, form the majority of the agricultural labourers in Gudalur taluk. When the Labour Act was in force they executed document in the form of an agreement under the Labour Act, binding themselves to serve a land holder ~~known~~ usually a "Chetti" for a period of one year for an advance received. After the abolition of the Labour Act, the document is only in the form of a pronote. Neither in the agreement nor in the pronote is a condition of life service stated. No chetti ryot has taken any bond from any Paniya on the condition of life service of the Paniya or his successors. After the abolition of the Labour Act no chetti ryot can legally extract any service from the Paniyas for advances of money which are covered only by pronotes. The Paniyas are aware of this and have begun during the last eight years or so to run away from the Chetti ryots leaving their advances unpaid. To-day every chetti ryot is faced with the problem of Paniya desertion and it is reported that he has considerable difficulty in finding labour for his agricultural operations. Some Paniyas remain in the service

ENCLOSURES _____

SPARE COPIES _____

service of his Chetti landholder to discharge his debt by service. But many have gone off to the Coffee, tea and other estates and to the neighbouring taluk leaving the debt unpaid.

3. The Paniya is not now a debt slave for his debt. He has broken his traditional attachment to his old Chetti landholder. He has no fear of losing "the roof over his head." He competes ^{freely} fully in the labour market and earns decent wages which enable him to pay off his loans. He is not a slave to any particular Chetti ryot. If he remains with any Chetti ryot he does so of his own free will. Debt bondage in his case may be said to have disappeared.

S.G.29-9/a.

Copy to Collector's file.

-9-37.
Collector.

C.F. 30.

Magisterial DEPARTMENT.

Received 19 . Registered 19 .

Subject.

MOTOR VEHICLES - LORRIES - MEMORIAL FROM THE MALABAR DISTRICT MOTOR LORRY OWNERS' UNION.

ENCLOSURES.

No.

Spare copies

D.Dis. No. 806/37

Station Ootacamund, Dated the 5th October 19 37

From (Name) P. Macqueen, Esq., I.C.S.,
(Designation) District Magistrate of the Nilgiris

To The Secretary to the Government of Madras,

Home Department.

Madras.

Sir,

Ref:- Government Memorandum No. 12743 B-1, dated 10th September, 1937.

The chief points raised by the memorialists are summarised below:-

2. That the charges imposed on lorry owners are too great a burden.

The District Board licence fee in this district for a private or trade lorry is Rs. 5/- per annum and for a hire lorry the fee is Rs. 180/- or Rs. 240/- per annum according to the tonnage of the lorry. The fee levied for lorries letting or plying for hire is heavy when compared to the fees levied on ordinary or trade lorries.

3. That a large number of lorries have been prosecuted for "plying for hire" in the Nilgiris without a 'G' permit.

The number of prosecutions launched under section 30 (a)

(1) (1) is as follows:-

Malabar lorries.	Nilgiri lorries.	Other District lorries.	Result of prosecution.		
			Convicted.	Discharged.	Pending trial or acquitted.
41	27	9	20	1	56

The prosecutions pending are being proceeded with. It is submitted that if persons who are convicted, question the correctness of ^{their} conviction they can appeal to the higher courts.

4. That it is unjust that lorries plying for hire should pay licence fees to more than one local body under Madras Act XXV of 1933. I consider that a lorry carrying for hire should take out a 'G' permit in any district through which it passes. It is only reasonable that a lorry travelling over the roads of a district and causing wear and tear to them should obtain a licence from the district board or Municipality which has to bear the cost of keep up of those roads. In the same way it is necessary, in my opinion, that it should also obtain a 'G' permit from the District Superintendent of any district in which it carries on its business. If there is any doubt as to whether the existing rules compel a lorry owner to take out a 'G' permit in every district through which he carries goods for hire then I think the first sentence of rule 30 should be amended so as to read as follows, "No motor vehicle shall be let or plied for hire or shall carry goods or passengers for hire in any local area outside etc".

5. That superior police officers should scrutinise charge sheets before they are put in. In this district the only superior Police Officer is the District Superintendent of Police. The Police officers next in rank to the District

District Superintendent of Police in this district are the Inspectors of police. All charge sheets are submitted to the Courts through the Inspectors of Police, who scrutinise them. I can see no objection to the District Superintendent of Police scrutinising all such charge sheets provided it does not interfere with his more important duties.

6. That the checking of speed by means of stop watches should be discontinued and that automatic governors should be fitted to the lorries instead. I doubt whether the idea of fitting automatic governors to lorries would work satisfactorily. The safe speed of a vehicle is a relative matter. A man who had an automatic governor fitted to his lorry and constantly drove up to the full available maximum of his speed would constitute a public danger. The arrangement of traps by stop watches is an accurate means of testing the speed of a motor vehicle. In this district these traps are manned by Sergeants and Sub Inspectors assisted by Head Constables and constables. There is much to be said for and against Police traps, but when all is said and done if we place no reliance on the competence and honesty of the police we must well give up the idea of controlling traffic altogether.

7. That rule 14 A is contrary to sound principle and should be abolished. The memorialists call for the cancellation of rule 14A and appear to think, as has already been suggested in the press, that it introduces some new principle contrary to good administration. I cannot see that it introduces any new principle. There is already provision for the District Superintendent of Police to cancel the driving licence under rule 22-A, the registration certificate under rule 15 or the 'G' permit under rule 30. In the case of driving licences and 'G' permits an appeal lies against the order of the District Superintendent of Police to the District Magistrate. In my opinion therefore Section 14-A introduces no new principle. It merely draws attention to a particular form of the breach of the conditions of the permit. Registrations when suspended are not renewable for a period of three months. This portion of the section is unnecessarily severe.

8. I submit a copy of the circular R.C.No. 1025/Staff/37, dated 2nd August 1937 to the District Superintendent of Police. The District Superintendent of Police states that there is a difficulty in complying with the instructions in the circular in this district particularly. There is no weighbridge available and the goods carried by lorries have to be weighed piecemeal on Railway station Goods weighing machines, which entails a great deal of inconvenience to the owners of lorries and involves expense in cooly charges. It would be better, where no weighbridge is available to take up just the more serious case of overload for weightment at local Railway Stations. There is no doubt whatever that there is a great deal of overloading in this district during the potato exporting season.

9. The number of prosecutions launched under Section 15-A of the Motor Vehicles Rules is as follows:-

Malabar lorries.	Nilgiri lorries.	Other District lorries.	Result of prosecution.		
			Convicted.	Discharged.	Pending trial or acquitted.
3	31	12	2	--	44

S.G.6-10/p.

Copy to Collector's File.

7-10-37
District Magistrate

Copy of Chief Officer Circular R.C.No. 1025/Staff/37 dated 2nd August 1937.

Subject:- Overloading of motor goods lorries.

The attention of all District Superintendents of Police is drawn to the new Indian Motor Vehicles Act Rules 14-A, 14-B and 15-A published in the Madras Police Gazette, dated 24th July 1937. These rules provide for the prevention of overloading of motor lorries. Rule 14-B gives District Superintendents of Police the power of cancelling the registration certificates of lorries found overloaded and, after an order of cancellation is passed, the vehicle concerned cannot be registered again till a minimum period of 3 months has elapsed. Rule 15-A makes overloading an offence under Section 16 Indian Motor Vehicles Act for which both the owner and the driver can be prosecuted. These powers, if systematic arrangements for detection of overloading are made as I expect them to be made on all roads used by motor lorry transport, should prove effective. Railway weighbridges when they are handy are at the disposal of the Police for weightment of lorries and their loads, and when they are not handy, lorry loads can be unloaded and weighed piecemeal by the aid of such accurate weighing machines and can be found locally. I ask all Dt. Supdts. of Police to give their personal sustained interest and energy to this very important matter.

There is another aspect of the question of overloading which has very largely been ignored and which I want to stress, and this is the fact that any very considerable overload of lorries beyond the registered carrying capacity which is the manufacturer's declared maximum safety load affects steering and braking efficiency dangerously and constitutes grave danger to other traffic and pedestrians. This can be demonstrated by practical test with any particular lorry and evidence led of the test. Prosecutions therefore can and should be systematically instituted in cases of very considerable overload, for reckless driving

under section 5 of the Indian Motor Vehicles Act (which carries a very much higher penalty than section 16 of the Act) or for criminal rashness and negligence under sections 304-A, 336, 337, or 338 Indian Penal Code in accordance with the circumstances of each case. It should be noted that in cases in which owners can be shown to be responsible for serious overload, whether wilfully or by negligence, they as well as the drivers can and should be prosecuted under the Penal Code section 4-

Arrangements for the detection of offences and the enforcement of law in these matters should be made in every district, suitable strategic points on all lorry routes being fixed by the District Superintendent of Police and manned, each of them by at least two Police officers who understand what they are for.

(True copy)

REVENUE DEPARTMENT.

Received.....19 . Registered.....19 .

Subject.

PUBLIC WORKS - RURAL WATER SUPPLY -INTRODUCTION
OF COMPREHENSIVE SCHEME - NILGIRIS DISTRICT.

ENCLOSURES.

No.....

Spare copies.....

R.C.B1 No. 3554/37

Station.....Ootacamund....., Dated the 22nd October.....1937

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) Collector of the Nilgiris.

To The Secretary to the Government of Madras,

EDUCATION & PUBLIC HEALTH Department.
MADRAS.

Sir,

Ref: Government Memorandum No. 16381-1 & 2 Edn. &
P.H. dated 28th September and 6th October 1937

The plateau taluqs of Ootacamund and Coonoor consist of grassy undulating hills with forests divided by narrow valleys generally with streams and swamps which are the characteristic features of the district.

2. There is usually a sufficient supply of surface water in the stream. The sub-soil is usually rocky and wells would be expensive and unsuitable. What is

What is required is a system of piping to carry water from reservoirs and from the streams or springs which are fed by rain water. The source of supply being from the numerous hill streams in the district, has to be kept free from contamination.

3. In this office letter C.No.B1.3430/36 dated 19th March 1937 to Government Development Department, I forwarded a copy of my note dated 27th July 1936 referred to the local officers as members of the District Economic Council together with the copies of reply of the District Board Engineer and the District Health Officer indicating their views. They agree that there is an immediate necessity in this District to appoint an officer to conduct a survey of water sources in order to draw up a scheme for rural water supply in the several villages of the District and put into action at once before spending the Government money on works. Orders of Government are awaited.

4. To deal with the rural water supply schemes in the district, it is desirable to appoint an officer to investigate the sources of water supply, to decide how best it can be protected from pollution and to prepare a scheme for the extension of the system over a period of years.

5. Nature of each work(whether it is a well with an overhead tank or a bore well with pump.)

I have already explained that the sinking of wells in the plateau taluks of this district would be a waste of money. The typical water source in this area is drawn on by an open channel or pipe. There are no municipal water mains passing through or near the rural villages in the district.

6. As a result of the discussion held between the President, District Board, The Nilgiris, the District Board Engineer

and the District Health Officer, the following villages were selected one in each of the three taluks of the district for the construction of a protected water supply.

(1) In Ootacamund Taluk - Edakadu, Sundahatti, Naduhatti and Thalinatti Group -	Estimated cost. ...	Rs. 12,900.
(2) In Coonoor Taluk - Yedappally, Bettatti, Illithoorai group.	Estimated cost. ...	Rs. 9,000
(3) In Gudalur Taluk. - Nellakottah of Nelliyalam village -	Estimated cost. ...	Rs. 3,600
Total.		Rs. 25,500

The estimates and plans for these works have not been received yet from the District Health Officer. They will be forwarded as soon as they are received from him.

7. But I would again beg to press on the notice of Government the supreme importance of checking the constantly increasing consumption of water in these hills for both domestic and irrigational purposes until a proper survey of our water sources has been carried out and the quantity and distribution of additional consumption to be permitted been worked out on a definite programme. This survey is called for, not only in the interests of a pure drinking supply for the people of the Nilgiris, but also in that of the Bhavani and the Cauvery irrigational systems which depend so largely on water from these hills. At present the quantity of water consumed under the Collector's permit is constantly increasing. Even this very indifferent check is now in danger. The check which the Collector exercises under the Board's Standing Order has recently been called in question by the District Board and it would seem that they may be in the right. I would request Government to instruct me on these important matters at an early date.

SM. 22.10.37

23-10-37
COLLECTOR

Copy to the Director of Public Health Madras.
Copy for Collector's file.

REVENUE DEPARTMENT.

Received 19 . Registered 19 .

Subject.

MALARIA - GUDALUR - DRAINAGE WORKS.

ENCLOSURES.

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are copies

R.C.B1. No. 2314/37

Station Ootacamund., Dated the 5th November 1937 .

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris.

CHIEF

To The Secretary to the Government of Madras,

Fort St. George, Department.

Madras.

Sir,

I have the honour to bring the following facts to the notice of Government as, in my opinion, a serious waste of Government money has occurred and a further waste appears to be imminent.

2. In 1937-38 a sum of Rs.13,000/- was spent by Government in laying drainage pipes in certain paddy fields in the neighbourhood of Gudalur with the idea of depriving the malarial mosquito of its hot-weather breeding grounds. It was at the outset open to doubt whether the project was likely to reduce the incidence of malaria in

in this locality. It was apparently undertaken on the analogy of similar works in Malaya where physical and climatic conditions probably differ widely from those in Gudalur. My own view at the time was that ~~that~~ the prospects of success in Gudalur were somewhat doubtful. On the other hand with a sum of Rs.13,000/- the Panchayat could have effected substantial improvements in the system of road drainage and consequently in the health of the place.

3. Unfortunately my anticipations have been to some extent realised. It is reasonable to assume that the piping system if it were to be effective at all would produce an ameliorative effect at once. But though it has been tried throughout the dry season of 1937, malaria in Gudalur has been worse this year than in 1936. I understand, however, that the department attributes this failure not to the system itself but to defects in carrying out the work and proposes to spend a large sum of money in doing the work over again.

4. The occurrence of defects in carrying out the work requires further examination. In 1936 I had reason to doubt whether the work had been carried out in an expert manner and I therefore addressed the Director of Public Health in my R.C.No. B1.1149/36 asking a number of specific questions regarding it. He appeared to be satisfied that the work had been properly done. The Director of Public Health now gives me to understand that levels have to be taken for relaying the pipes, a point which I brought prominently to the notice of the Director of Public Health last year. It is further reported that several of the man-holes have collapsed. A supervisor is now at work preparing estimates for reconstructing the system and I understand from a personal conversation with the District Health Officer that the amount of the estimate will be about Rs.12,000/-. Thus Government, owing to the unsatisfactory way in which the work was carried out last year are likely to have to pay for its cost twice over. There seems to be a danger that even if Government spend this large sum of money in

remedying the mistake of last year it will merely be to throwing good money after bad.

5. I would therefore submit the following proposals,

(1) That the suitability of the project of piping the paddy fields at Gudalur be carefully reconsidered as there is considerable doubt as to whether such an experiment has any prospect of success.

(11) That if Government decide to abandon the experiment, the money which it is now contemplated to be spent on reconstructing the system be granted to the Panchayat for improving their street drainage or some such cognate purpose.

(111) That pending a final decision on (1) and (11) all further expenditure be stopped.

SM.5.11.p.

6-11-37
For Collector.

Copy to the Director of Public Health.
Copy to the District Health Officer.
✓ Copy for Collector's file.

CONFIDENTIAL.

1. The Nilgiri District Educational Council has carefully considered the press communique issued by Government in their Order No. 1398 dated 26th June 1937 and in response to the invitation of Government to offer constructive criticism and suggestions, begs to make the following submissions.

2. Before discussing the details the Council would submit the following general observations on the contents of the communique. Government hold the District Educational Councils greatly, if not chiefly, to blame for the unsatisfactory state of elementary education. The Council would however submit that the communique is more a statement of the conclusions of Government in this regard than of facts upon which these conclusions are based. The experience and observation of this Council do not bear out these conclusions. Irregularities could certainly be found in the working of these Councils as in the working of any public institution, departments of Government not excepted. But to establish a case for abolishing the councils, the volume of such defects would have to be very great and their results serious. The Council feels itself at some disadvantage in dealing with the problem as posed in the communique owing to the absence of a clear statement as to the extent to which these defects exist, of any discussion of their probable causes or of any definite suggestions as to what machinery of control should be substituted for the District Educational Councils. This Council fully agrees with Government in their statement of the existing defects of elementary education. It would also admit that if these defects were solely or chiefly due to the misfeasance of the District Educational Council, then those Councils should be abolished. But it is not prepared to accept, without specific proof, the assumption that District Educational Councils have generally failed in carrying out their duties. And while it does not claim to be one of those 'rare exceptions' referred to in the communique, the Council does not admit that it has been so negligent of its duties as to merit abolition.

3. The short comings alleged against the District Educational Councils may be grouped under three main heads.

- (I) Irregularities in admitting schools to recognition and to grant in aid.
- (II) Failure to prepare schemes for the extension of elementary education.
- (III) Irregularities in office procedure.

In fact, "Government have come to the conclusion that with rare exceptions District Educational Councils have been unable to carry out a number of these functions and duties;" and to round off the picture they add a fourth indictment, that "the Councils have not been altogether successful in the manner of their carrying out other functions and duties assigned to them." In discussing these heads in detail, the Council would submit that the indictment is very vague and therefore difficult to meet.

4. The District Educational Councils have been working for 17 years. If grave irregularities in such vital matters as grant, recognition and aid have been at all common it is not clear why the high district officials, the Collector and the District Educational Officer, who have seats in the Council, have failed to report them to Government or, if so reported, why Government have not exercised their powers under Act VII of 1920 to suspend the defaulting Council. The amending Act XI of 1935 gives the Director of Public Instruction power suo motu to modify or cancel any order of a District Educational Council relating to recognition or a grant in aid. The local Government can issue directions to a District Educational Council in these respects. This Council also believes it to be a fact that there have been very few cases in which District Educational Councils have admitted to aid schools reported by the officers of the Education Department to be undeserving of aid. If, therefore, the officers of the Educational Department have been keeping the Director informed of the occurrence of any irregularity in these important matters such irregularities could only have continued with the tacit consent of the Director. This Council would submit that Government have armed themselves with ample powers of control which if actively exercised would prevent the district educational councils from diverging from the path of sound administration.

5. Regarding the alleged failure of the Councils to prepare schemes for the extension of elementary education, this Council would invite a reference to section 24 (1) (c) of Act VIII of 1920 which lays upon the councils the duty, "to prepare in consultation with the authorities concerned schemes for the extension of elementary education in each taluk board and municipal area." It is clearly the duty of the educational department to play a leading part in the preparation of such schemes and any deficiency in this respect cannot be laid solely or even principally at the door of the councils. To expect the District Educational Councils to bear the whole burden and responsibility for the

extension of elementary education, is to expect too much of them, and it is here, if anywhere, that the intentions of Act VIII of 1920 may be said to have failed. This Council would urge that the initiative in this matter rests with Government. It is for them to lay down the main lines of expansion which they propose, leaving the councils to work out the details. Most of the spade work in preparing such schemes would necessarily have to be done by experts, that is to say by officers of the educational department. Government, we submit, implicitly admit the validity of our contentions by including a clause in the Act of 1935 which enables the Local Government to require a local authority to frame a scheme to introduce compulsory education.

6. The other specific indictment is that the Councils have failed in carrying out their duties in regard to registry and statistics. These defects are merely clerical and the councils have to do the best they can with the clerical staff with which Government provides them. The remedy for these defects is surely not to abolish the councils but to provide competent staffs to carry out the duties with which they are entrusted.

7. This Council would enquire exactly what efforts made by the educational department to extend and improve elementary education were frustrated by the action of the district educational councils. Unless convincing details can be given on these points they are not prepared to plead guilty to the sweeping charges brought against them.

8. The Council would point out that Government themselves admit that these defects alleged in the working of the district educational councils are not the main obstacles in the path of elementary education. The main difficulty which has always faced the education department is the difficulty of retaining children in school long enough to make them permanently literate. This is a difficulty which the councils have no power to remove. That power rests only with the Government. But the council would suggest two ways by which this difficulty can be overcome. One way is to make it a condition of the grant that the number of pupils in each of the higher standards shall bear a certain minimum proportion to the total number of pupils in the school, thus ensuring that children do not leave the school in large numbers without even reaching the higher forms. Another way is to pay the grant in aid by results, say, by making a per capita grant to every pupil who has reached the stage of permanent literacy.

9. The Council would beg to refer in further detail to the provisions of law which enable Government and public opinion to keep check over their proceedings. These provisions are ample and, in fact, the council is inclined to consider that the changes introduced by the amending Act XI of 1935 go somewhat beyond what was desirable. In the matter of control, Act VIII of 1920 provides that council meetings shall be open to the public (Section 16) that the Governor in Council may suspend or cancel any resolution or order (Section 21) or re-constitute the council for defaulting in its duties (section 23). The Act further provides that any manager aggrieved by an order of the council in respect of recognition or of a grant in aid may appeal to the Director of Public Instruction (sections 41 and 42). The amending Act XI of 1935 gives further wide powers of interference suo motu to the local Government and the Director of Public Instruction.

10. The Act of 1920 permits of great elasticity in constituting the Council and places in the hands of the Governor in Council the power to vest the weight of the controlling power in such a quarter as he may please. Sections 4 and 5 empower him to prescribe the number of members of which the council shall consist and consequently to decide what interests shall predominate in their decisions. There is statutory provision for the District Collector and District Educational Officer to serve ex-officio and for two representatives of the District Board and one of every Municipality in the district to serve on the Council. Private educational bodies, managing schools or associations of school managers may be permitted to elect one or more representatives. The Governor in Council may appoint members who shall not exceed in number one fourth of the total, excluding ex-officio members, and in doing so shall have regard to the representation of Muhammadan and other minorities. The principle underlying the composition of the council is therefore to provide for the representation of three district interests, namely,

- (i) The Educational Department, backed by the support of the District Collector.
- (ii) The managers of public schools.
- (iii) The managers of private schools.

It is difficult to understand how high local officers like the Collector or the District Educational Officer can have turned a blind eye to such grave irregularities as are adumbrated in the communique. If the Councils have failed in their duties the permanent officials must shoulder their share of the blame. It is for consideration whether the fundamental defect lies with the councils at all and whether it is not the lack of guidance from government that lies at the root of the admitted defects in the quality and extent of elementary education to-day.

11. It would seem from the communique that Government anticipate putting the control of recognition and of the grant in aid entirely in the hands of the educational department. Defects in the working of the educational department are to be cured by strengthening that department, but defects in the working of the educational councils are to be cured by abolishing them. Such complete departmental control would certainly have the merit of simplicity and uniformity. But, on the other hand it would be a step in the direction of centralisation and a set back to local self-government by depriving the people of a valuable opportunity to manage their own local affairs. Some degree of uniformity in standard is essential, but too great rigidity of control would have the effect of ignoring local needs and planing down local peculiarities and of forcing education throughout the province into a uniform mould. No object would be served by a compromise which continued the existence of the Councils merely as advisory bodies. Without a definite responsibility they would become moribund.

12. Government lay great stress upon the expansion of elementary education to secure universal literacy. To achieve this object they "fully realise that the government and the education department cannot alone hope to bring about either the far reaching changes suggested in this resolution or the rapid improvement which they hope will occur as the result of these changes." They look to the co-operation of "local boards, large educational organisations, private managements, etc." to help them towards the desired end. In making these pronouncements they are merely restating in another form the principles upon which they brought the District Educational Councils into existence in 1920. If they look to private agencies to help them in the expansion of elementary education it is essential to recognise, while demanding a certain minimum of conformity with a required standard, that ample scope should be allowed for local, sectional and other divergencies. Variety is a source of vitality in education: a rigid standard enforced by an exclusive departmental control will never produce democratically minded citizens. Private educational enterprise would wither in such an atmosphere.

13. This council would therefore summarise its conclusions and proposals as follows:—

(i) That there exists no necessity for altering the constitution and powers of the district educational councils, unless it be to increase the latter. If, however, Government desire to proceed further with the matter, the Council would make the following further submissions:—

(ii) That the case made out for the abolition of the Councils is not convincing and requires further examination.

(iii) That reforms in the working of the councils—if necessary—should be based only on a detailed examination of the causes of the failure of the Councils to function properly.

(iv) That in any reorganisation of the council the principles on which Act VIII of 1920 is based should be recognised, namely, that the expansion of elementary education with the aid of private enterprise demands that the representatives of such private enterprises should have a share in the administration of grants in aid.

(v) That the abolition of the councils would tend to alienate that private enterprise on which the successful achievement of universal literacy admittedly largely depends.

(vi) That any further curtailment of the powers of the councils in the direction of reducing them to mere advisory bodies would render their existence meaningless.

(vii) That the defects in the working of the Acts are by no means due to the councils alone and that the remedy is not to abolish them but to work them in accordance with the machinery provided by the Act.

(viii) That in initiating schemes for the extension of elementary education it is not for the district educational councils but for the Government to take the lead.

(ix) That government should revise the rules so as to refuse the grant of aid to schools which fail to turn out a certain minimum percentage of permanent literates.

(x) That if government intend to follow up the proposals adumbrated in the communique for abolishing the district educational councils, their proposals should be circulated in detail for discussion.

In reply, please quote
number, date and
short title.*

REVENUE DEPARTMENT.

Received.....Registered.....

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box....., (STATION) Ootacamund.

Telegraphic Address.....

To

The Secretary to the Board of Revenue,
Madras.

R.Dis. No. 3502/37, dated 22nd December 1937.

Sir,

*
VILLAGE OFFICERS - HEREDITARY RIGHTS - ABOLITION
OR EXTENSION OF THE SYSTEM.

Ref: Board's No. Ref. A. No. 3070/37-1 dated 14th
September 1937.

ENCLOSURES.....

SPARE COPIES.....

In some districts of this province, such as
Coimbatore, the village officers hold their appointments
by hereditary right. In the remaining districts, as in
the Nilgiris, although they can claim no hereditary right,
appointments are made on that principle. The question now
under consideration is whether the system of hereditary
right should be abolished or whether it should be extended.

2. I have consulted the local bodies and
certain of my revenue subordinates on the matter. The
following are in favour of extending the hereditary system.

- | | |
|----------------------------------|---------------------------------|
| 1. District Board, The Nilgiris. | 10. Panchayat Board, Sholur. |
| 2. Tahsildar, Coonoor. | 11. Panchayat Board, Thunerri |
| 3. Deputy Tahsildar, Ootacamund. | 12. Panchayat Board, Kundah. |
| 4. Panchayat Board, Yedappalli. | 13. Panchayat Board, Balachla |
| 5. Panchayat Board, Adigaratti. | 14. Panchayat Board, Naduvattam |
| 6. Panchayat Board, Melur. | 15. Panchayat Board, Gudalur. |
| 7. Panchayat Board, Nedugula. | 16. Village Officers' Asso- |
| 8. Panchayat Board, Ketti. | ciation, Ketti. |
| 9. Panchayat Board, Naduhatti. | |

The following would abolish the hereditary system.

1. Sub Collector, Coonoor.
2. Deputy Tahsildar, Gudalur.
3. Panchayat Board, Nelliyalam.
4. Panchayat Board, Cherankode.
5. Panchayat Board, O'Valley.
6. Panchayat Board, Devarshola.
7. Coonoor Municipal Council.
8. Villagers of Sholur.

3. The main arguments given for extending the system are that the pay of the village officer is small and that it is therefore desirable, to vest the appointment in the family of one of the chief farmers of the village, who will not be entirely dependent on his emoluments and that it is desirable to have a man of local influence. The strongest plea put forward for the abolition of the system is that of Mr. Bryant, the Sub - Collector of Coonoor, who refers to his experience in the Tinnevely district. He is impressed by the fact that competition for acting posts is tremendous and that the existence of the right of hereditary inflicts upon Government and the villagers, representatives of effete, corrupt and often insolvent families. The replies sent in by local bodies have been in most cases bare expressions of opinion without any attempt at argument.

4. My own opinion is that in the peculiar circumstances of the village officer, and in particular the headman, hereditary succession by a qualified man is the best method of appointment. Its ^{dis} advantages ^{perhaps} may be ^{sometimes} (1) that it retains corrupt and insolvent families in office to the exclusion of good men who would otherwise be available. But this, in my experience, is the exception rather than the rule, and after all such persons will soon be removed from office if the higher authorities exercise proper control.

(11) that it leads to unnecessary litigation in connection with the filling of offices. It is true that there is a certain amount of litigation under the Village Officers' Acts. But even in districts where the posts of village officers are not hereditary, the strict application of the hereditary principle to filling vacancies and the ample provision for appeal made under the Board's Standing Orders cause almost as much work as the application of the Village Officers' Acts.

5. On the other hand the advantages of the hereditary principle appear to me to be numerous. It is, to begin with, significant that the practical needs of the administration have established heredity as the principle of selection even in those

those districts where hereditary right is absent. I believe that free choice of village officers from among the qualified candidates is nowhere permitted by the Board when suitable candidates from the Miras family are available. This suggests that experience has demonstrated the best principle of appointment. It may be that there are, as Mr. Bryant, points out, plenty of well qualified applicants for every vacancy in some districts. But their very number is a danger. How are we to make the choice between them and to avoid the occurrence of every vacancy giving rise to intrigue and an attempt to debauch the revenue officers in whose hands the appointment lies? Again, a man may be fully qualified and still be an absolute pauper, whose object will be, if he is appointed, to make as much money out of the post as he can before he is found out and removed. It seems to me very undesirable to appoint persons who have no local ties or influence to such posts to the exclusion of qualified local candidate. They would find themselves in opposition to the local families, especially of those who had been deprived by legislation of their hereditary rights. In fact, if Government were to abolish by law the hereditary right now enjoyed, they might be faced with a mass opposition of those families who had been deprived of their miras, with grave results to the working of the administration.

6. The present system has on the whole worked well and I believe the agitation to abolish it is supported mainly by those who hope to get something for themselves by throwing open these appointments to unrestricted competition. I do not agree that the present Village officers are on the whole corrupt or unsatisfactory and that to supplement them by penniless graduates would

would in any way improve the situation. The Village Officer should be a man of local influence and, in the case of the Headman, of sufficient wealth to be at least partly independent of his salary and it is precisely this that we on the whole now obtain by the existence of hereditary right in certain districts and the application of the hereditary principle in others. I am strongly opposed to abolishing the existing rights. At the same time I see no special need to extend them, in view of the fact that the principle of heredity is followed practically throughout the province.

SM.23.12.p.

Copy for Collector's file.

93-12-37
COLLECTOR.

C.F. 32.

CONFIDENTIAL

REVENUE DEPARTMENT.

In reply, please quote
number, date and
short title.*

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box _____, (STATION) Ootacamund.

Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

Confdl. D.D. No. 413/38, dated 3rd February 1938
Sir,

ENCLOSURES _____

SPARE COPIES _____

* VILLAGE OFFICERS - ASSISTANCE ^{To} OFFICIAL
RECEIVERS - REPORT OF THE COMMITTEE APPOINTED TO EXAMINE
THE QUESTION OF OFFICIAL RECEIVERS, THEIR RECRUITMENT ETC.

Ref: Board's No. Ref. Confdl. 965/38-1 dated 21st January
1938.

I submit as follows:-

2. In addition to their legitimate duties, Village Officers have several items of miscellaneous work to do and have to wait on a number of officers visiting their villages. In the matter of revenue collection, they have, in addition to their normal duties, been burdened with income-tax collections, collections due to the Hindu Religious Endowment Board etc., and in this district, in the Coonoor taluk, collections of lease amounts due to Cantonment authorities. To this list may be added others. I do not think, therefore, it is desirable to add to them such items as are adumbrated in the Board's letter under reference.

3. The items mentioned in the Board's Reference cover many kinds of work arising out of the duties of an Official Receiver. If as suggested in para 3 of the Board's Reference, the Official Receivers are to address the Tahsildars and obtain information from the village officers the tendency will be to refer most of, if not all the cases, to Tahsildars. Such references will add substantially to the work of the Tahsildars and in consequence to that

of the Village Officers.

4. I give below my views on each item mentioned in the Board's Reference.

Item 1. Village Officers are appointed to collect Government and not private dues. They do not collect other private dues under decrees of Civil Courts. Such collections are made only by officers subordinate to those courts. I should, therefore, be opposed to making the Village Officers responsible for collecting private dues under the orders of the Official Receivers.

Item 2. This is in effect the management of private property and I am opposed to it on the same principle as above.

Item 3. There is no great objection to Village Officers assisting the Receiving Officers by publishing sales.

Item 4. I hold the same objections to the proposal that Village Officers should conduct sales of immoveable property as to items (1) and (2). They may, however, give such assistance to the Official Receivers as they would give to any other Government Officers charged with a public duty in their village.

Items 5 & 6. It is not altogether desirable that the onus of estimating the defaulter's assets should be thrown on the Village Munsif. Giving such information is likely to make them unpopular in the village. Item (5) is more or less in the nature of item (6).

Item 7. The same objections as above hold good in this case.
5. The remuneration to be paid will depend upon the nature of the work. If it is only publication of sales, two annas, it seems, may be paid to the Village Officers in respect of each plaintiff and defendant, the fee being sent with the notices.

SM.4.2.a.

Copy for Collector's file.

-2-38
COLLECTOR.

C.F. 32.

In reply, please quote
number, date and
short title.*

REVENUE DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box _____, (STATION) Ootacamund.

Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

R.C.B1. No. 4219/37, dated 3rd February 1938.
Sir,

* MOTOR VEHICLES TAXATION ACT - EMPOWERING OF
POLICE TO DISTRAIN VEHICLES FOR NON-PAYMENT OF TAX-
AMENDMENT.

Ref: Board's Ref: E.No. 5951/37-1 dated 17th December 1937.

1. I have the honour to offer my remarks on the proposed changes in the Madras Motor Vehicles Taxation Act communicated in Board's Reference E.No.5951/37-1 dated 17th December 1937.

2. In their Order No.3837, dated 28th September 1937 Government laid down a procedure intended to facilitate the collection of motor tax on motor vehicles coming from Indian States. In the Board's Reference now under consideration, the proposal to amend the Madras Motor Vehicles Taxation Act so as to provide for the collection of overdue tax on all motor vehicles that fail to take out a license would be applicable to all vehicles whether coming from Indian States or other provinces or belonging to this Presidency.

3. As regards ~~in~~ motor vehicles in the Madras Presidency, the present law gives ample remedy against, persons who fail to take out licenses for their vehicles and I consider that the powers which it is now proposed to put into the hands of the Police would be very dangerous to public liberty.

4. The Madras Motor Vehicles Taxation Act provides as a remedy for non-payment of the tax.

In reply, please quote
number, date and
short title.*

Revenue DEPARTMENT.

Received _____ Registered _____

From (Name) P. M. M. M. Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box _____, (STATION) Ootacamund.

Telegraphic Address _____

To

The Secretary to the Board of Revenue,

R.C.A4- No. 202/38, dated 4th May 1938.

Sir,

* ASSESSMENT - WATER DIVERSION - COONKOR TALUK - LONG
WOOD R.F. - JACKANAPAI AND KATHALA HAMLETS - WATER SUPPLY.

Ref:- Board's Ref. M.No. 6942/37-I, dated 4th January 1938

ENCLOSURES _____

SPARE COPIES _____

I enclose a copy of letter No. R.C.36-6955/37, dated the 11th April 1938 addressed to me from the President, District Board, the Nilgiris on the subject noted above.

2. The District Board asks from the Collector a permit to take water from a Government stream to supply the needs of a village. If the District Board were to carry out the proposed work, the supply to a neighbouring tea factory, which already runs its machinery by water taken under an existing permit, would be so diminished that the factory could not work to its necessary capacity.

3. The issue ^{for} consideration is this. Should the Collector grant a permit to a public body for a public purpose without consideration of the loss to which private interests will thereby be put? In other words, should private parties be compensated for loss resulting from the granting of certain facilities to public bodies?

4. The principle at stake now is a vital one. Government have decided to embark on a ten year programme of public water supply in this district which is bound to affect many private systems - large and small. The number of water permits required at present in this district is approximately 500 of which upwards of 400 are for private connections. Details are given in the statement appended.

These private permits are issued, not only for the use of water for drinking and domestic purposes, but also for ~~xxxx~~ ~~xxxxxx~~ running machinery and irrigating crops. In my opinion to issue permits to public bodies and thereby without compensation to damage or determine private facilities hitherto enjoyed, would be a measure of expropriation and would not only cause individual hardship, but would be opposed to the very principles upon which our present capitalist system is based. It is true that the Collector who grants a permit has the power at any time to cancel it. But that power must be exercised on principles of equity and sound policy. The possession by a private party of a permit for taking water constitutes a vested interest which cannot be ignored. The interests arising under such a permit have not infrequently formed the subject of adjudication by the Civil Courts. Unless, therefore, the Government intend to reverse the whole principle of private ownership, as we understand it, the conclusion must be that a public body wishing to deprive a private individual of his rights must be prepared to pay him compensation.

5. In the case under consideration, the President, District Board states that the alternative proposed, namely to tap water at the confluence of the two streams about one mile south of Jackanarai and to pump it up will not be feasible for the reasons,

- (1) That the water there is subject to contamination by the Rob Roy Factory, the inhabitants of the Estate higher up and of Kotagiri town.
- (ii) That pumping machinery and water storage would cost between Rs. 30,000/- and Rs. 40,000/- making the scheme too costly.
- (iii) That it would also involve an expenditure of between Rs. 4,000/- and Rs. 5,000/- on annual maintenance.

I agree with the District Board that for these reasons the alternative scheme is not practicable.

6. It may perhaps be asked why, if the village of Jackanarai

-3-

Jackanarai has obtained its water elsewhere for all these centuries, it cannot continue to do so. If, however, a piped supply is considered a necessity, I would suggest that Government may make for the guidance of the Collector a definite pronouncement regarding the general principles of compensation and if they agree with the view which I have put forward, the Rob Roy Estate may be brought out at a fair valuation.

7. The three disposal files of this office received with the Board's reference are resubmitted.

Imaginis

6-5-38
Collector.

S.G.6/5/a.

Copy to Collector's file

Copy of letter R.C.B-6-No. 6955/37, dated 15th April 1938 from the President, District Board, the Nilgiris, Cotacamund to the Collector of the Nilgiris, Cotacamund.

ASSISTANT - WATER DIVISION - COOCHIN - KOTAGIRI
LONGWOOD RESERVE FOREST - JACKANARAI AND KATHALA HILL
WATER SUPPLY - THE NILGIRI DISTRICT BOARD.

Ref:- Your letter R.C.M-No. 202/38, dated 20th January 1938.

I have to inform you that the alternative proposal suggested to tap water at the confluence of the 2 streams about 1 mile south of Jackanarai and to pump it, will not be feasible and the cost will be prohibitive for the following reasons:-

- (i) The water at the confluence of the stream is contaminated by the Rob Roy Factory and the inhabitants of the estate higher up as also of Kotagiri town.
- (2) Though there may be a savings of about Rs. 10,000/- in the cost of pipes required on account of the new site being nearer to Jackanarai village, by about 10,000 feet, the alternative scheme suggested, will involve lifting of water for about 250 feet with a pumping station, machinery and water storage which will cost Rs. 30,000/- to Rs. 40,000/-

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (Station) _____ Cotacamund.
Telegraphic Address _____

To The Secretary to the Board of Revenue,
M a d r a s.

R.C.A2.No. 2137/38 dated 10th July 1938.

Sir,

* PUBLIC SERVICES - SUBORDINATE SERVICES -
CLERICAL POSTS - CHANGES IN RECRUITMENT - PROPOSALS-
REMARKS.

Ref: Board's Refce.No.D.2032-38 dated 30th May 1938.

1. I have the honour to submit the report called for by the Board in its Ref.D.No.2032/38-2 dated 30th May 1938.

2. The problem, as I understand it, is as follows. In order to reduce "educated unemployment" Government have decided to reorganise the system of secondary education. The scheme of reorganisation presents two main features. The first is to restrict the number of undergraduates admitted to the University by means of two qualifying examinations, one at the end of the Fourth Form -- that is at the age of about 14 -- and another at the school leaving stage. The second feature is that boys who fail to qualify in the first examination will spend a portion of the last three years of their school course in technical studies such as clerical work, agriculture or the industrial arts. After outlining the main features of the new scheme Government proceed to discuss the present system of recruitment to the subordinate ranks of the Government service. They are not altogether satisfied with the

thus making the scheme too costly.

(3) In addition, it will involve a recurring annual maintenance charge in the way of staff, repairs and cost of power required which will come to Rs. 4,000/- to 5,000/-. This recurring annual charge will be beyond the means of either the District Board or the Panchayat Board to meet.

Under these circumstances, I am of opinion that the original proposal for taking water from the Longwoodshole by gravitation is the only feasible scheme for supplying drinking water to Jaccamund and other villages.

Sd. P. Macqueen,
12-4-38
President, Dt. Board,
the Nilgiris.

(True copy)

Nature of use.	Cotacamund taluk.		Coonoor taluk.	
	Number of permits.		Number of permits.	
	Public.	Private.	Public.	Private.
Domestic purposes -				
Drinking .	50	73	22	87
Domestic purposes -				
Pumping.	--	37	--	46
Irrigation purposes	1	140	1	40
Industrial .	--	2	3	11
Generation of Elec-				
tricity.	--	1	--	3
Total.	51	255	26	137

(True copy)

ENCLOSURES _____

SPARE COPIES _____

with the quality of the material at present obtained -though they do not specify the defects which they seek to remedy -- and they suggest certain radical alterations in the method of recruitment.

3. Through the extract from G.O.No.1393 Education dated 26th June 1937, propounds for discussion two subjects, namely, the reorganisation of secondary education and the method of recruitment to the Government service, Government appear to regard these subjects as independent of one another. For the purpose of these remarks I assume the former scheme as a working hypothesis, the latter subject alone being open for discussion. The Board, however, goes further. It remarks, that "It is obvious that the Government must change their methods of recruitment to ensure the success of the scheme for reorganisation of education." I respectfully submit that after the most careful consideration, I cannot discover any argument which would support the Board's conclusion, nor can I find in the Government Order itself, such a pronouncement of cause and effect. As it is essential, before entering on a discussion of the various proposals put forward by the Board and Government, to decide whether the changes in the method of recruitment to Government service are proposed in the interest of that service or in the presumed interest of educational reorganisation, I have offered my remarks from the point of view of Government service only.

4. A brief statement may here be made of those defects which Government point out in the present system of higher education. They are its domination by university requirements and the absence of an independent secondary school course leading to vocational training or direct occupation. An undesirable result of these defects appears in the "increasingly large numbers of students who press their way after repeated failures at the school final and Intermediate stages into the degree classes." The remedy they propose is to ration the number of graduates. If, therefore, this rationing is effected with due regard to the number of graduates required by the professions, including the Government

Government service, the scheme is complete in itself and its successful achievement does not call for any change in our present methods of recruitment. The only justification, then, for a change in the system of recruitment would be that it is called for in the interests of the Government service itself. Government, without specifying what are the defects which they desire to remedy, merely consider that the system of recruitment is "not altogether satisfactory." Such a criticism could be passed on any human institution and if no worse can be said of our present system there seems to be no justification for making a radical change.

5. Government, indeed, attack the system on a priori grounds. They first point out that, as the maximum age for competition in the open entrance examination is 25, a large number of graduates are enabled to compete successfully with candidates possessing lower qualifications. I am not clear why objection should be raised to the fact that the present system of recruitment admits a number of graduates into Government service. As I shall endeavour to show, it is desirable that we should obtain with the lower, a number of men of higher educational qualifications. Many years of administrative experience have built up a system under which the normal method of filling the posts in the Revenue Subordinate Service and even the Madras Civil Service is by the promotion of men who have begun their career as clerks. Though the system has at times been modified by direct appointment to higher posts such as those of Probationary Revenue Inspectors, Deputy Tahsildars and Deputy Collectors, the Government service has always been a career open to the talents, offering to every clerk who enters it a chance of rising to the highest posts in the Provincial Service. To work the system satisfactorily some of these clerks should be men with university degrees. It is not, therefore clear why the fact that the present system of competitive examination which

which admits as clerks a certain number of graduates should be held as an objection against it. If the number of such graduates is excessive, it can be reduced by admitting fewer students to the University course. But it does not, in fact, appear that the number of such graduates is excessive. The cadre of the Nilgiri District includes six appointments of the grade of second-class magistrates or tansildar, to which may be added the chance of selection as Deputy Collector. Since 1931 we have recruited 16 graduates, 4 intermediates and 46 S.S.L.C. men, proportions which are, I submit very reasonable. In my opinion the creation of a water tight compartment of clerks, whatever clerical training they may have received before entering the service, would immediately lower the quality of their work and have serious effects throughout the service. The presence of well-educated, ambitious men in the clerical grades raises the whole tone of them, so long as the Government service offers educated men through the medium of competitive examination a well paid and honourable career, so long will a considerable number of graduates succeed in entering it. A system of entry by open competitive examination has been labouriously built up of recent years. It is a great improvement on the old system of appointment by favour. I trust that Government do not propose to abandon it or to substitute two separate examinations where one has produced satisfactory results.

6. Government's second objection to the present system of recruitment is that "youthful candidates, who might have early qualified themselves in business methods, particularly suited to their future work as clerks under Government, pursue a course of studies at a university, in no way particularly suited to improve their work as Government clerks." If this fact is really deteriorating the quality of entrants to Government service, I would suggest that no further remedy is needed beyond a revision of the syllabus of the competitive examination, to add optional or if need be, compulsory subjects directly connected with business

methods. There is however a danger of attaching too much importance to technical accomplishment ^{and} too little to a good general education. As I shall discuss below, much more is expected of a 'clerk' in Government service than merely to do clerical work.

7. We may now turn to the proposals for recruitment to the clerical service made in the Board's letter under reference. These come under four heads, summarised below:

- (i) To reduce the maximum age from 25 to 18 and to recruit by competitive examination from those who have passed a qualifying examination at the end of the post primary course and undergone a 3-year vocational training as clerks.
- (ii) To debar men joining the Madras Ministerial Service from rising to the Revenue Subordinate Service.
- (iii) To recruit the Revenue Subordinate Service by selection to the post of Probationary Revenue Inspectors from men who have obtained a certificate of eligibility at a competitive examination held at the commencement of the University Course.
- (iv) The possession of a B.A. degree to be a necessary qualification.

8. It is unnecessary to insist on the drastic nature of the change which it is proposed to make in the type of entrants to Government service. In the place of a mature man who has very likely taken his degree we substitute a boy fresh from school who may, during the previous three years, have ~~been~~ suffered a technical training but whose general education has been curtailed who has been definitely branded as "unfitted for higher literary study." In considering what we require from clerks in Government service it is important to realise that their work is something more than merely clerical. Our system of putting up material to the head of an office for orders assumes that the clerk can understand the interpretation of various laws and rules and is capable of

analysing the facts and presenting the case in clear language. Again the work of a Revenue Inspector makes demands upon a man in respect of education, experience and stamina which go a long way beyond even what is required of a Government clerk. The exact nature of the proposed technical training in clerical work is not specified, but no mere technical training will provide the knowledge and ability essential to the performance of this vital function. Such a faculty can only be cultivated by an educational system of wider scope and 'literary' in tendency, such as a University or untechnical pre-university course affords. I would submit that the ideals of 'vocational training or direct occupation', however suitable to farmers or wood-workers, are out of place in fitting a man to perform in Government service the functions outlined above. Even in a general way the vocational idea seems to me to take too dominant a place in the proposed curriculum. Vocational training which, in secondary education should be only auxiliary, appears to be in danger of swallowing the rest. If we are to assume that admission to the university is to be restricted by an examination in effect competitive, I would prefer men who had been rejected after passing through a purely literary course in the secondary school, rather than those who had been rejected at the age of 14 or 15 and then subjected to a three years course of technical training. Technical requirements could very well be provided for by modifying the present competitive examination for entrance to Government service.

9. The proposal, would again, seriously reduce the quality of the recruits. They would quite definitely be failures, those who were not found good enough to enter the university. To this we add the fact that, by debarring them from promotion to the Revenue Subordinate Service all inducement to a really ambitious man would be cut off. I doubt whether the Government service offers the same inducement as it did sometime ago. There is a feeling of insecurity in the minds of Government servants. Some of them have felt the effects of the

unexpected curtailments of their prospects and have suffered under the lash ^{of} public criticism, and even of public ridicule. Then these things are bound to influence the mind of a parent in ~~him~~ choosing a profession for his son. If we depress the prospects of the clerical service still further we must be content with a very poor type of recruit. Discontent on the part of the men in service and a marked fall in the efficiency of those still to enter it are likely to increase that tendency to petty corruption which Government are so anxious to eradicate.

10. Grading of the clerical staff involves certain disadvantages. The old difficulties which used to be felt under graded system will come to the front again. The cost of accounting will be increased and the Collector in making acting appointments will be compelled to rely largely on his office to suggest the complicated "chain of arrangements" contingent on each transfer. I agree that if Revenue Inspectors are to be graded they should be given a high place. But on the other hand I consider that it would be very undesirable to constitute them into a separate grade. The work of a Revenue Inspector is very exacting and men are at present encouraged to acquit themselves well in it by their hopes of further advancement or at least by the knowledge that they hold the appointment for a limited period only. If a grade of Revenue Inspectors were established, a class of men might come into existence condemned for long periods to this strenuous work and expert in the methods of avoiding it. They might even fall victims to its numerous temptations to dishonesty.

11. The proposal to lower the age of entrants by seven years would confront us with the alternatives either of increasing the total cost of the establishment or of reducing the aggregate amount paid in salary and pensions, for, the total period of official and pensionable life would be extended by seven years. If the scheme for a leave reserve is to be based on the assumption that the average annual cost

to Government of the establishment is not to exceed its present cost, then a very complicated actuarial calculation will be required. I request orders whether in view of the criticisms offered above, the Board still desire such proposals.

12. The Board next proposes a method of recruitment to 'executive and other responsible non-gazetted posts'. This would consist of the issue of 'certificates of eligibility' to a limited number of men who successfully competed in an examination to be held at the beginning of the University Course. It is presumed that their competition would be adjusted to the ^{needs} ~~needs~~ of commercial selection. The actual recruitment would be made to the post of Probationary Revenue Inspectors by nomination from amongst the holders of these certificates who subsequently graduated. If recruitment to posts in the Revenue Subordinate Service is to be closed to the clerical ranks, I see no objection to recruiting to that service in the manner proposed. I am not, however, in favour of insisting on a B.L. degree. I understand that to obtain such a degree a man who has obtained his B.A. degree must spend two additional years in study of law. I consider that for the average B.A. entrant to Government service such an extension of university course would be a pure waste of time. He would enter Government service too late in life. Those two years would be far better spent working as a Government servant ^{and} laying the foundation of his life's work. Again the chief requirement of a Magistrate is a knowledge of Criminal Law. The B.L. degree while concerning itself largely with civil law does not furnish that complete equipment of criminal law which a Magistrate requires. There appears to be an underlying assumption that the present all-round method of training our sub-magistrates is seriously defective. I do not agree that this is the case. Nor can I see that our present method requires any radical alteration. The good magistrate must possess a knowledge of men and things, the ability to analyse facts and arrange his ideas and a sound knowledge of the law. In working as a Revenue Inspector this future magistrate gets an ideal

opportunity of rubbing shoulders with men of all classes of society and of acquiring that practical psychology by which he will test the degree of truth or falsehood in the statements of those with whom he comes in contact. Some years' training in 'clerical' work as understood in Government departments will develop to a high degree his faculty of analysing complicated cases and marshalling the facts. He will have acquired a sound grasp of a branch of knowledge essential to a Magistrate in this country namely, the land revenue system. He will have undergone a discipline analogous to the university course in law,-- though more specifically suited to his particular needs -- for he will have studied the criminal law and passed the departmental examinations in it. And further of exceptional value in the domain of study is the insight he will have obtained into the detailed working of the criminal law while acting as clerk to a first or second class Magistrate. I maintain that the opportunities which the Government servant at present enjoys to equip himself to be an efficient Magistrate are equal to, if not greater than those open to the average member of the Bar. And I further maintain that our Magistrates are on the whole efficient and well trained and that there is no justification for a radical alteration in their system of training. It would be a mistake to insist on a B.L. degree. The cost to the student and the waste of time involved could not be commensurate to the results obtained.

13. The fact that Government, as the Board observes, is the largest employer of the educated of all grades, may perhaps present the rush after Government service in too prominent a light and obscure the fact that the educated crowd equally to force the doors of such professions as medicine and law. I would prefer to state the problem of educated unemployment in more general terms. India is mainly an agricultural country and the pursuit of agriculture

is arduous and comparatively unprofitable. It cannot offer at its best, prizes to compare with those held out by the learned professions. Therefore the principal motive at work in seeking secondary education is neither an abstract love of learning nor so much the desire to enter a particular profession as the desire to deviate from agriculture to a more profitable pursuit. The present scheme regards this problem from an educational and not from an economic point of view. It assumes that if boys who seek secondary education are trained at school in various occupations such as clerical work, agriculture and industrial arts, wood-work, etc., jobs in which they can earn a livelihood will be found waiting for them. And in justifying the restriction of opportunities for university study, which forms the fulcrum of the new scheme, Government while observing that boys who travel too far along the road of university study progressively unfit themselves for such occupations, do not apparently consider whether the supply of technically trained men will meet with a demand to absorb it.

14. But whatever may be said in favour of the educational organisation now proposed, I would urge that the system of recruitment Government service be considered on its merits and not in its relation to the general scheme of education. There is a real danger that the quality of the Government service will be made to undergo serious deterioration in the supposed interests of secondary education. Although I have not entered into a criticism of it, I differ drastically from the proposal to restrict entrance to the university by competitive examination. But even if that policy were pursued there would be no logical necessity to make any material alterations in the method of recruitment to the Government service and if the changes proposed were carried out, the results would be gravely unsatisfactory. I regret the delay in submitting this report. It is due to the time necessary to consider and to consult my subordinates in regard to this vitally important matter.

11-7-38
Collector.

Copy for Collector's file.

C.F. 32.

Confidential.

DEPARTMENT.

Revenue

Registered

In reply, please quote number, date and short title.*

Received

From (Name)

P. Macqueen Esq., I.C.S.,

(Designation)

Collector of the Nilgiris,

Post Box

(STATION)

Ootacamund.

Telegraphic Address

To

The

Secretary to the Board of Revenue,

No. 2427/38 Madras.

30th July 19

38

D. Dis.

Sir,

* PUBLIC SERVANTS - PROVINCIAL AND SUBORDINATE SERVICES - MADRAS REVENUE SUBORDINATE SERVICE AND MADRAS CIVIL SERVICE (EX. BRANCH) - OFFICERS EXERCISING MAGISTERIAL POWERS - QUALIFICATION IN LAW.

Ref:- Board's Ref. No. (Confidential) 573/38-1, dated 25th June 1938.

In my opinion the present system is essentially sound nor have Government indicated in what respect the present administration of criminal justice is considered defective. In the absence of a clear statement of the defects which it is desired to cure, it is difficult to find a standard by which the proposals for improvement can be judged or to suggest suitable remedies.

2. To obtain a B.L. degree it is necessary to spend two years after obtaining the B.A. degree, in studying Law and a third year as an apprentice. I submit that such a course for the average aspirant to a post in the Revenue Subordinate Service would be pure waste of time. Such a course is quite unnecessary to produce good magistrates and there is nothing seriously wrong with the present system. Just as no attempt is made to give the members of the I.C.S. who are destined to become magistrates a degree in Law, so I can see no reason why it should be demanded from the subordinate magistracy provided they get an adequate training by other means.

3. I would postulate for a magistrate the following qualities; a knowledge of men, the ability to sift and arrange facts and a knowledge of Law.

4. The ability to sift and arrange facts is one which should be steadily growing throughout the school and college course, provided no attempt is made at too early a date to substitute more technical accomplishment for general knowledge. On joining Government service a man is called upon constantly to exercise and strengthen this faculty, for even as a clerk he is continually preparing cases for orders, an operation which demands the ability to analyze and synthesise.

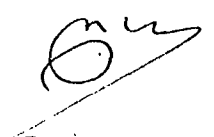
5. Next, when working as a Revenue Inspector, he is given exceptional opportunities of coming into contact with men of all classes of society and of developing his faculty of psychological insight to its fullest possibility. Further to this, he obtains a sound practical knowledge of the working of the various revenue laws.

6. Perhaps it is in respect of his knowledge of the Criminal law that the magistrate is regarded by Government as falling short of the ideal. As already remarked it is difficult to suggest an adequate remedy unless one is apprised of the exact nature and extent of the defect to be cured. In my experience, a weakness in their knowledge of Law is not the most prominent defect with magistrates. They are more prone to weakness in composing a judgment, a fault that may be cured by experience and proper supervision; or to defects on the psychological side, namely in judging the credibility of a witness or of the degree of criminality in a convicted person. No degree in Law and no amount of training will supply these latter qualities. They depend on native wit sharpened by experience.

7. The training in Law which the Government servant has to undergo appears to me well suited to equip him with the necessary technical knowledge. He must study for and qualify in certain departmental examinations. He commands also a further most valuable training which he obtains in all the details of criminal work when acting as clerk to a first or second class magistrate. The departmental examination

covers (as the B.L. degree does not) the whole ground of criminal Law. It consists of papers on the Evidence Act, Criminal Procedure Code, Indian Penal Code and Medical Jurisprudence. It is suggested that a short course in training in other important laws would be ^{an} advantage. I think that if a suitable text book were prepared for the use of clerks, an additional departmental test in "Special Law" might well be added to the list. If the departmental examinations are properly conducted, as I presume they are, I cannot see what necessity there is for deputing clerks for "Legal training". It would be a quite unnecessary consumption of time and money. A magistrate's court clerk is likely to learn much more of the practical technique of law than a clerk deputed to undergo "training" who is very likely to idle away his time.


S.G.1-8/p.


-8-38
Collector.

Copy to Collector's file.

Collector's Office,

Ootacamund.

22nd February 1939.

My dear Macdonald,

BILL FOR THE RESTRICTION AND CONTROL OF
HABITUAL OFFENDERS.

Ref:- Your D.O. No. 33906 C-3, dated 13th
February 1939.

The Bill in question appears to me to be open
to the following criticisms:

1. To begin with one is not clear, either
from the Bill or the D.O. which accompanies it, what
are the real intentions of Government. From a read-
ing of the preamble to the Bill, its object would appear
to be the restraint of the 'habitual offender'; but
section 9 introduces the idea of reformation. Further,
a careful reading of the Bill as a whole brings to
light the curious fact that, Government, while propo-
sing a marked -- and admittedly justifiable -- relaxa-
tion in the law governing members of criminal tribes,
proposes in this bill to add a hundred fold to the se-
verity with which the 'habitual offender' is to be hand-
led. One cannot escape the suspicion that the 'habitual
offender' is a stalking horse for the 'political offen-
der' and that the Bill may hide an intention to provide
Government with a weapon with which to crush political
opponents and to be a first step in the direction of
bringing the Courts under the heel of the executive.
But in the absence of any enlightenment as to the mo-
tives of Government I will take the Bill at its face
value, and assume that it is intended merely to deal
with the class of persons whom we ordinarily understand
by the term 'habitual offender'.

2. 3. The 'security sections' are theoretically
an infringement of the liberty of the subject. Under

provision to release on security and substituting an order by the Provincial Government. I strongly object to this novel and dangerous innovation.

5. But this Bill does not stop short with persons dealt with under the 'security sections'. It goes far beyond that.

A 'habitual offender' may also be, 'any person found to be habitually committing non-bailable offences, as indicated by the number of convictions by a Criminal Court. - section 2 (3)(a).

The Provincial Government are to have the power under section 3 to declare as a 'habitual offender' any person who has served more than one term of imprisonment for non-bailable offences and to restrain or incarcerate him under the provisions of this Bill. Surely there is no justification whatever for such an extraordinary procedure.

6. Again, if a magistrate ascertains on a 'local enquiry' that a person has the reputation of being addicted to the commission of certain offences, the Provincial Government may deal with him under the draconian provisions of this Bill. The 'security sections' at least demand that a formal legal procedure -- not merely a 'local enquiry' -- shall be gone through and that the magistrate who conducts the proceedings shall be at least a magistrate of the first class -- not a mere village or Bench magistrate. When we come to the materials required to brand a man as a 'habitual offender' under this subsection, the provisions are even more drastic. 'Repute' is sufficient. Even under the security sections, evidence of 'repute' by itself can only establish the fact that a man is desperate or dangerous, and has, in practice, almost invariably to be corroborated by factual evidence. *Under the Bill* here, mere evidence of 'repute' will be sufficient to es-

Under them a man can be sent to jail without having been formally tried for an offence under the ordinary Criminal law. They are a practical makeshift intended to fill a gap left by a law which, though theoretically complete, tends to be ineffective in its application to certain actual conditions. I am unaware that any case has been made out for increasing the severity of the security sections. On the other hand, in any civilised community the tendency should be to gradually restrict their operation. My general criticism of this bill is that it proposes by removing the treatment of habitual offenders from the purview of the ordinary Courts to interfere with the liberty of the subject to a dangerous degree and to ignore the fundamental principles upon which our legal system is built up.

7. Hitherto the security sections have been operated under the Criminal Procedure Code by the ordinary Courts, without interference from the Provincial Government. But the proposed definition of 'habitual offenders' includes not only persons committed to jail for failure to furnish security for good behaviour under section 118 of the Criminal Procedure Code with reference to section 110 of that Code, but even persons who are prepared to furnish security when called upon to do so - section 2 (3)(b). Under the existing law, if such a person provides the security lawfully demanded, he is entitled to walk out of the Court a free man and to remain free so long as he does not forfeit his security. It is now proposed to give the Provincial Government powers, not in the direction of clemency, but in that of increased severity. They are to be empowered to override an order of a Court admitting a person to security. How is this power to be applied? Is it to be arbitrary or to apply in all cases? If the former it is a power capable of the gravest abuse; if the latter, then section 118 Criminal Procedure Code requires amending by removing the pro-

It seems to me paradoxical that while greatly easing the severity of the law against members of the criminal underworld, we should be making the law of security so much more drastic.

establish that a person is addicted to the commission of offences against public peace or against property, or even that his reputation is such that it is necessary to restrict his movements. Practically anybody could be sent to jail under this last category.

It is also to be observed that while a man can only be punished for a crime under the C.P. if he has committed the crime. I cannot find any provision under which, even as a matter of executive procedure, a man is given the opportunity of showing cause against an order of incarceration for life. There is no appeal to the Courts against executive action.

7. The Bill proposes to empower the Provincial Government to restrict the liberty of action of a 'habitual offender' in the following ways:

- by reporting himself at fixed intervals - sec.4.
- by restricting his movements to any specified area - section 6.
- by 'settling' him in any place of residence - sec.6.
- by placing him in a 'settlement' - sec. 10.

Such settlement is one established under section 14 of the proposed Wandering Groups Act. The relevant section of that Act empowers the Provincial Government to establish "industrial, agricultural or reformatory settlements", primarily for the reception of a 'wandering group', the modern equivalent of the old 'criminal tribe'.

It is to be observed that which a man cannot be bound under the C.P. for a period of more than three years.
9. The object of the Bill is stated to be "to restrict the movements of habitual offenders", but the commitment to settlements under the Wandering Groups Act has presumably a reformatory intention. These two objects are quite distinct and it ~~is~~ ^{would be} necessary to revise the preamble to the Bill so as to bring clearly these two distinct intentions. I do not, however, agree that the reformation of habitual offenders can be satisfactorily carried out by placing them in settlements intended primarily for members of 'Wandering Groups'. The first go into a settlement as individuals; the second as families. They come of different communities and different grades of culture. Each

habitual offender, under the provisions of the Bill his freedom of the past can be used against him. There is no time limit to the operation of the Bill.

Each requires different handling if they are to be reformed. To bring them together in a settlement will reform neither. Habitual offenders should be dealt with under the ordinary law and when committed to jail, in jails specially intended for their reception.

10. Under section 10 of the Bill the Provincial Government is given the power, in effect, to extend the period of a sentence of imprisonment passed by a Court, to an unlimited period. All I can say is, that if we are thus to abandon the principles upon which our criminal law is based, it would be better to repeal all laws and pass a simple enactment empowering the executive Government to deal with the liberty of their subjects under such rules as they may see fit, from time to time, to make.

11. There are not a few 'political' offences which fall within the definition of 'offences against public peace' and I can visualise a reign of terror, a general round up, not only of ex-criminals proper, but of political and labour leaders and of 'volunteers' whose activities may be embarrassing to the Government of the day. The proposal is a most dangerous one. It offends against the fundamental legal principles; and if it is passed into law, no man's liberty will be worth a moment's purchase.

12. As the copy of the Bill has been sent to me, not officially, but demi-officially, I presume that I am at liberty to discuss its provisions with unofficial members of the public, whose opinions are likely to be of value.

Yours sincerely,

A. R. MacEwen Esq., M.C., C.I.E.,
I.C.S.,
Secretary to Government,
Home Dept. Fort St. George.

[Signature]

Collector's Office,

Ootacamund.

1st March 1939.

My dear MacEwen,

BILL FOR THE RESTRICTION AND CONTROL
OF HABITUAL OFFENDERS.

Ref:- Your L.O.No.58986 G-3, dated
13th February 1939.

The bill in question appears to me to be open to
the following criticisms:

The 'security sections' are theoretically an infringement of the liberty of the subject. Under them a man can be sent to jail without having been formally tried for an offence under the ordinary criminal law. They are a practical makeshift intended to fill a gap left by a law which, though theoretically complete tends to be ineffective in its application to certain actual conditions. I am unaware that any case has been made out for increasing the severity of the security sections. On the other hand, in any civilised community the tendency should be to gradually restrict their operation. It seems to me paradoxical that while greatly easing the severity of the law against members of the criminal tribes, we should be making the law of security so much more drastic. My general criticism of this bill is that it proposes by removing the treatment of habitual offenders from the purview of the ordinary Courts to interfere with the liberty of the subject to a dangerous degree and to ignore the fundamental principles upon which our legal system is built up.

3. Hitherto the security sections have been operated under the Criminal Procedure Code by the ordinary Courts, without interference from the Provincial Government. But the proposed definition of 'habitual offenders' includes not only persons committed to jail for failure to furnish security for good behaviour under section 118 of the Criminal Procedure Code with reference to section 110 of that Code, but even per-

persons who are prepared to furnish security when called upon to do so -- section 2(3)(b). Under the existing law, if such a person provides the security lawfully demanded, he is entitled to walk out of the Court a free man and to remain free so long as he does not forfeit his security. It is now proposed to give the Provincial Government powers, not in the direction of clemency, but in that of increased severity. They are to be empowered to override an order of a Court admitting a person to security. How is this power to be applied? Is it to be arbitrary or to apply in all cases? If the former it is a power capable of the gravest abuse; if the latter, then section 118 Criminal Procedure Code requires amending by removing the provision to release on security and substituting an order by the Provincial Government. I strongly object to this novel and dangerous innovations.

4. But this Bill does not stop short with persons dealt with under the 'security sections'. It goes far beyond that.

A 'habitual offender' may also be 'any person found to be habitually committing non-bailable offences' as indicated by the number of convictions by a Criminal Court -- section 2(3)(a).

The Provincial Government are to have the power under section 3 to declare as a 'habitual offender' any person who has served more than one term of imprisonment for non-bailable offences and to restrain or incarcerate him under the provisions of this Bill. Surely there is no justification whatever for such an extraordinary procedure.

5. Again, if a magistrate ascertains on a 'local enquiry' that a person has the reputation of being addicted to the commission of certain offences, the Provincial Government may deal with him under the Draconian provisions of this Bill. The 'security sections' at least demand that a formal

formal legal procedure -- not merely a 'local enquiry' -- shall be gone through and that the magistrate who conducts the proceedings shall be at least a magistrate of the first class -- not a mere village or Bench magistrate. When we come to the materials required to brand a man as a 'habitual offender' under this sub-section, the provisions are even more drastic. 'Repute' is sufficient. Even under the security sections, evidence of repute by itself can only establish ~~the~~ the fact that a man is desperate or dangerous, and it has, in practice, almost invariably to be corroborated by factual evidence. Under the Bill, mere evidence of 'repute' will be sufficient to establish that a person is addicted to the commission of offences against public peace or against property or even that his reputation is such that it is necessary to restrict his movements. Practically anybody could be sent to jail under this last category. It is also to be observed that while a man can only be ordered to furnish security under the Criminal Procedure Code if he continues to be a habitual offender, under the provisions of the Bill his misdeeds, of the past, long repented of, can be used against him. There is no time limit to the operations of the Bill.

6. I cannot find any provision under which, even as a matter of executive procedure, a man is given the opportunity of showing cause against an order of incarceration for life. There is no appeal to the Courts against erratic executive action.

7. The Bill proposes to empower the Provincial Government to restrict the liberty of action of a 'habitual offender' in the following ways:

- (a) by reporting himself at fixed intervals -- see
- (b) by restricting his movements to any specified area -- section 6.
- (c) by 'settling' him in any place of residence -- section 6.

(a) by placing him in a 'settlement' -- section 10. Such settlement is one established under section 14 of the proposed Wandering Groups Act. The relevant section of that Act empowers the Provincial Government to establish "industrial, agricultural or reformatory settlements", primarily for the reception of a 'wandering group', the modern equivalent for the old 'criminal tribe'. It is to be observed that while a man cannot be bound over under the Criminal Procedure Code for a period of more than three years, under the provisions of this Bill he may be held in restraint indefinitely.

8. The object of the Bill as stated to be "to restrict the movement of habitual offenders", but the consignment to settlements under the Wandering Groups Act has presumably a reformatory intention. These two objects are quite distinct and it would be necessary to revise the preamble to the Bill so as to bring clearly these two distinct intentions. I do not however, agree that the reformation of habitual offenders can be satisfactorily carried out by placing them in settlements intended primarily for members of 'Wandering Groups'. The first go into a settlement as individuals; the second as families. They come of different communities and different grades of culture. Each requires different handling if they are to be reformed. To bring them together in a settlement will reform neither. Habitual offenders should be dealt with under the ordinary law and when committed to jail, in jails specially intended for their reception.

9. The following are objectionable features of the Bill:-

(i) It places a man's liberty at the mercy of the executive, by investing the executive with powers over habitual offenders hitherto exercised only by the regular Courts.

(ii) It deprives a person so dealt with of any appeal to the regular courts.

(iii) It extends the definition of 'habitual of-

COMPARATIVE TABLE OF PROVISIONS UNDER THE CRIMINAL PROCEDURE
CODE AND HABITUAL OFFENDERS ACT.

CRIMINAL PROCEDURE CODE.

HABITUAL OFFENDERS ACT.

PERSONS LIABLE TO BE DEALT WITH.

1. The continued habitual commis-
sion of certain non-bailable of-
fences.

2. The continued habitual com-
mission of offences involving a
breach of the peace.

1. Habitual commission of any
non-bailable offences at any
time.

2. Habitual commission of of-
fences against public peace.

3. Being a person who has been
ordered to give security with
reference to section 110 of
the Criminal Procedure Code.

4. Being a person whose move-
ments should be restricted.

PENALTY TO WHICH LIABLE.

1. To execute a bond with or
without sureties to keep the
peace or maintain good behaviour
for a period not exceeding three
years.

1. To report at fixed intervals

2. To notify change of resi-
dence.

3. To furnish sureties for
good behaviour in addition to
1 and 2.

4. To have his movements res-
tricted to any specified area.

5. To be placed in a settle-
ment established under section
14 of the Vagrancy Groups Act

Note

(i) 1, 2, 3 and 4 may be
imposed simultaneously.

(ii) The above 5 restrictions
may be imposed for an indefi-
nitely.

Note

Period limited to one year.

STANDARD OF PROOF REQUIRED.

1. Evidence of actual facts.

2. Evidence of reputation, to
prove that a person is desperate
and dangerous.

1. Habitual commission of non-
bailable offences.

(i) More than one conviction
for such offences, whenever
such convictions may have been
imposed, or

(ii) Reputation as ascertained
by a magistrate on enquiry.

2. Commission of offences
against public peace -- Repu-
tation as above.

(Contd.)

CRIMINAL PROCEDURE CODE

HABITUAL OFFENDERS ACT.

3. Persons upon whose movements it is necessary to place restriction --
Reputation as above.

PROCEDURE.

1. All proceedings must be regularly conducted by a criminal Court.

1. (i) Action may be taken by the Executive Government.

(ii) Action may be taken by the Executive Government on an 'enquiry' by a magistrate.

2. All proceedings must be conducted by a First Class Magistrate.

2. Proceedings may be conducted by any magistrate. (Bench or village Magistrate?).

3. Accused has the right to furnish security

3. The Executive Government may deprive the accused of his right to furnish security.

4. There is a right of appeal to a higher Court.

4. THE RIGHT OF APPEAL IS TAKEN AWAY.

-- -- --

In reply, please quote
number, date and
short title.*

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) Collector of the Nilgiris,
Post Box _____, (Station) Ootacamund.
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
Madras.

R.C.B. No. ⁶¹³⁻³⁹ ~~23~~, dated 4th March 1939.

Sir,

* ELECTIONS--ESTABLISHMENT --ELECTORAL
ROLLS -- PROVINCIAL LEGISLATURE AND LOCAL
BODIES -- REVISION --STAFF REQUIRED --
REPORT SUBMITTED.

ENCLOSURES _____

SPARE COPIES _____

Ref:--Board's reference No.C.2034/37-13
dated 14th February 1939.

In 1937 the conditions of franchise for local bodies were not quite the same as those for the provincial legislatures.

2. The Karnams prepared a list of ^{elections} ~~elections~~ qualified under clauses (b) (e) and (f) of Rule 1 of Schedule III to the Madras Local Boards Act, 1920, on such information as was available in their registers and accounts. The Revenue Inspectors and Taluk officers supervised the preparation of the lists which were then handed over to the District Panchayat Officer who was appointed Election Officer in R.O.C.H.12450-37 dated 6th May 1937 of the Inspector of Municipal Councils and Local Boards. The District Panchayat Officer with the help of a special staff checked and elaborated the lists and got them printed and published. This special staff consisted of three lower division clerks, lent from the Revenue Department from June to September '37 and one peon.

3. In the case of the two municipalities in this district (Coonoor and Ootacamund) the lists of persons qualified for enrolment as tax or ratepayers were prepared from the municipal registers by two lower division clerks who worked under the municipal Commissioners for about a month.

4. In 1938, relevant portions of the rolls pertaining to the General, Muhamadan, Indian Christian constituencies of the Assembly were adopted for purposes of elections to local boards and municipal councils.

5. For the revision of the rolls of the Assembly, the following staff was employed:--

One Deputy Tahsildar,

Five Revenue Inspectors and one clerk in the Sub Collector's Office, Coonoor, for about three months, one clerk in the Collector's office for about five months, one section writer in the Collector's office for 15 days, and six peons for about 3 months.

6. The compilation and re-arrangement of the rolls relating to municipalities were done by the municipal Commissioners after the rolls were printed. That relating to the local boards was done by the District Panchayat Officer with the help of one clerk and one typist who were employed for about two months.

7. This district has only two revenue divisions comprising three taluks namely the two plateau taluks forming the Coonoor Division and the Gudalur taluk, the Gudalur Division. Hence a permanent establishment is not necessary. I am therefore of opinion that the work can be spread over a period of six months and the following staff will be necessary.

For the Coonoor division (Coonoor and Ootacamund taluks)

One Deputy Tahsildar.

One clerk to work under the Deputy Tahsildar (Lower division)

Four Revenue Inspectors (Lower Division)

One clerk for Sub Collector's office (Lower Division)

Five Peons (for the Deputy Tahsildar and Revenue Inspectors)

for four months

from 1st June.

For Gudalur division (Gudalur Taluk)

One Deputy Tahsildar.

Two Revenue Inspectors (Lower division)

One clerk (lower division) to work under the Deputy Tahsildar.

Three peons (for the Deputy Tahsildar and Revenue Inspectors)

for two months

from 1st October.

In recommending the above staff, I have taken into consideration the peculiar conditions of this district reported in this office R.C.A1-1971-37 dated 24-5-37.

8. A specimen programme is enclosed.

43
5.13.39
COLLECTOR.

SPECIMEN PROGRAMME OF ANNUAL REVISION.

	<u>Date</u>	<u>States.</u>
<u>COONNOOR DIVISION</u>		
(Coonoor and Ootacamund Taluks.)	1-30 June.	Receipts and disposal of literacy applications. collection of particulars in respect of tax payers etc.,
	1-31 July	Verification of property qualifications and preparation of preliminary rolls.
	1 August.	Publication of Preliminary rolls.
	15 ,,	Filing of claims and objections
	22 ,,	Publication of claims and objections.
	29 ,,	Sitting of revising authority
	1-30 Sept.	Consolidation of final rolls & sending to press.
<u>GUDALUR DIVISION</u>		
(Gudalur Taluk)	1-14 Oct.	Receipt and disposal of literacy applications and verification of proper qualification and preparation of preliminary rolls.
	15 ,,	Publication of Preliminary rolls.
	30 ,,	Filing of claims and objections
	7 November.	Publication of claims and objection
	14 ,,	Sitting of revising authority.
	15-30 ,,	Consolidation of final rolls and sending to Press.

*See
5-2-49*

In reply, please quote
number, date and
short title.*

MAGISTRATE DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen Esq., I.C.S.,
(Designation) District Magistrate of the Nilgiris,
Post Box _____ (Station) Ootacamund.
Telegraphic Address _____

To

The District Superintendent of Police,
The Nilgiris, Ootacamund.

R.C.Cl. No. 415/39, dated 2nd May 1939

Sir,

CRUELTY TO ANIMALS --BAGAVATHI AMMAN TEMPLE,
KANDAL--OBJECTION TO ANIMAL SACRIFICE.

ENCLOSURES _____

SPARE COPIES _____

Representations have been made that the annual sacrifice of animals at the festival of the Bahavadi Amman Temple in Kandal is conducted with great cruelty and should be stopped. A copy of a petition from certain of the Chuckler worshippers at this temple dated 12th February was presented to me. My enquiries show that the sacrifice is conducted with circumstances of great cruelty. Unofficial endeavours were made, but without success, to induce those responsible to adopt a more humane way of ~~despatching~~ despatching the animals. On the 28th April another petition from various residents of Ootacamund was presented asking me to stop this form of sacrifice. On the same day the Commissioner informed me that he had refused to issue the persons proposing to conduct the sacrifice a licence under section 256 of the District Municipalities Act.

2. The question is whether the managers of the temple should be protected in carrying out the sacrifice or whether they should be prohibited from doing so. So long as the sacrifice is conducted within the precincts of the temple, no offence against

against the Act for the Prevention of Cruelty to Animals is committed. The other question for decision is whether such a sacrifice would be an offence against the District Municipalities Act if conducted without a licence from the Commissioner.

3. It must be admitted that the law on this subject is not altogether clear. In Chapter XII of the Madras District Municipalities Act V of 1920 headed "Licenses and fees", is found a group of four sections headed 'slaughtering'. Briefly the object of these sections is two-fold; namely (i) to place upon the Municipality the responsibility for providing slaughter-houses where animals can be slaughtered for food, and

(ii) to permit them to do this both by maintaining municipal slaughter-houses and by licensing private slaughter houses.

The General principle is that no one should slaughter animals "for sale as food" "except in a public or licensed slaughter house". Section 256, however, permits an exception to be made by the Commissioner, "on occasions of festivals and ceremonies or as a special measure". In such cases he may "allow any animal to be slaughtered in such places as he thinks fit". Examples of this might perhaps be such cases as ~~xxxi~~ slaughter and cooking of an ox at the Stratford 'Hop' or the establishment of a temporary slaughter house for the supply of meat to troops passing through a town. It is reasonable to presume that the exception permitted by section 256 refers to the slaughter of animals "for sale as meat" in some place other than a public or licensed slaughter house and for some temporary purpose. The first part of section 257 prohibits the slaughter of animals for sale as food -- "without or otherwise than in conformity with a licence from the executive authority". So far the sections appear to have

to have referred to the slaughter of animals for sale.

The second half of section 257 however, refers to the slaughter of animals "for the purpose of a religious ceremony" and provides that the executive authority may authorise such slaughter "without licence and without the payment of any fee". This part of the section would authorise the Commissioner to permit the slaughter of animals for religious purposes in any part of the town, that is in any public place. It is not clear whether in the absence of such an authorisation the slaughter of animals in a public place for religious purpose would be an offence against the Act. The wording of the section is not altogether clear. But I assume that it was never intended to give the Commissioner power to dictate what should be done for religious purposes inside the premises of a temple and it appears to me that for the slaughtering of animals for religious purposes inside the premises of a temple no authorisation from the Commissioner is required any more that it would be required for the slaughtering of an animal for home consumption upon private premises. The Commissioner has refused a licence under section 256. But this section would not in any case apply, the relevant section being 257. But an authorisation under section 257 would only be necessary in the case of slaughter outside the temple premises.

4. Whatever therefore may be said from a moral point of view against the manner in which the sacrifice is conducted within the temple precincts there is, in my opinion, no offence against the law. The duty of the Magistrate is to enforce ~~ad~~ and not to stretch the law. I am therefore clear that the managers of the temple must be protected from interference in conducting the ceremony and sacrifice according to custom, so long as the actual slaughtering is confined within the temple precincts. As ~~there~~ would appear to be a good deal of opposition to the sacrifice and some ^{risk} ~~site~~ of violent interference with it; the police should see that no one is allowed to interfere with ~~in~~ the managers of the temple in the exercise of their right.

exercise of their right.

-4-

P. Macqueen,
District Magistrate.

(True Copy)

(By order)

187
H.4.5.4.5

Head clerk.

Copy to collector's file.

VERY URGENT

REVENUE DEPARTMENT.

From

P. Macqueen Esq., I.C.S.,
Collector of the Nilgiris,
Ootacamund.

To

The Secretary to the Board of Revenue,
Madras.

D. Dis. No. 1965A/39, dated 13th July 1939.

Sir,

THEASURY--(THE NILGIRIS)--COLLECTING DEPOT AT
OOTACAMUND--ABOLITION.

Ref:-- Board's reference No. C.3675/39-I, dated
27th May 1939.

1. I consider that it would be undesirable to abolish the collecting depot at Ootacamund, both on public and on private grounds.

2. Under present arrangements, when a person pays Government dues at the Taluk Office, a chalan is prepared in triplicate after which the party obtains from the Deputy Tahsildar a receipt in the usual form and the transaction so far as he is concerned is closed. If money could be received only at the local branch of the Imperial Bank of India the party would have to pay two visits to a public office, instead of one. They would have to go first to the Huzur Treasury for the preparation of the chalans and then to the bank to pay in the money. This would be of great hardship and would be likely to cause much justifiable annoyance and discontent amongst members of the general public. From that point of view alone I submit that the suggested change would not be justified.

3. From an administrative point of view certain difficulties would arise. It is a fundamental principle that the

the initial accounting by finance and administrative figures should be done side by side in the same office and then checked daily. The main reason for this is that the initial administration and account entries should be as accurate as it is possible to make them. To effect this it is essential,

(i) That the accountant when making his entry of the receipt of money should have correct information as to the credit head under which it should be shown & in his accounts and

(ii) That the administrative officer, who is responsible for watching the progress of the collection of Government dues should have immediate information of the receipt of Government money so that the administrative accounts on which he bases his operations of collection shall always be right up-to-date.

4. If the collecting depot at Octocanund were closed and all payments made direct into the Imperial Bank, the Huzur Treasury, whose duty it would be to prepare the chalans would either have to guess at the correct credit when making the entry of receipt in their accounts or would have to send the payer ~~ex~~ first to the Taluk Office to get the chalans prepared. The wanderings of the payer would then involve

(i) Probably an initial appearance at the Huzur Treasury

(ii) A visit to the Taluk Office for the preparation of chalans.

(iii) Return to the Treasury for the numbering of the chalans.

(iv) A visit to the Bank to pay cash.

I submit that it is out of the question to put members of the public to such inconvenience.

5. If the chalans are prepared in the Treasury the process would be,

(i) Attendance at the Treasury for the preparation of chalans.

(ii) A visit to the Bank to pay the cash.

I submit that even this process would cause much inconvenience. Further if the Treasury is to prepare chalans without reference to the administrative accounts, there are bound to be numerous

numerous wrong credits and even receipts of money which should not be received at all. Delays in notifying the Deputy Tahsildar will seriously affect the value of his administrative accounts for the purpose of controlling collections and the numerous mistakes, involving correspondence between the Taluk Office and the Huzur Treasury and the issue of audit correction slips by the Treasury Deputy Collector will greatly increase work.

6. I would therefore submit that the proposed change would cause serious inconvenience to members of the public and ~~and~~ numerous mistakes in the Government accounts and would greatly reduce the value of the administrative accounts for the purpose of control.

H.15.7.

Copy to Collector's file.

50200
15-7-37
2 For Collector,
The Nilgiris.

In reply, please quote
number, date and
short title.

—REVENUE—DEPARTMENT.

Received _____ Registered _____

From (Name) P. Macqueen, Esq., I.C.S.,

(Designation) Collector of the Nilgiris,

Post Box _____, (Station) Ootacamund.

Telegraphic Address _____

To

The Secretary to the Board of Revenue,
M a d r a s.

R.C.A3. No. 2344/39, dated 20th November 1939

Sir,

* ELEPHANTS--WILD--DESTRUCTION--TUSKS RETENTION--
BOYLE, CAPTAIN (B.J.H.).

ENCLOSURES _____

SPARE COPIES _____

Captain B.J.H. Boyle, Ayrdale, Ootacamund was granted
a licence under B.S.O. No. 196 (4) to shoot an elephant at
Sigur ghat of Masinigudi village, which was proscribed
as rogue.

It is reported that as a result of reports from
~~the~~ the village regarding the damage to crops, property
and danger to human life brought about by the continued
presence of a rogue elephant, the licensee visited the
village, started an elephant in reserve forest and
followed it up and shot and killed it in "patta" land
on 22nd June 1939. The elephant shot was not however
the proscribed one.

3. The pattadars on whose land the elephant was
shot and killed claim the tusks on the ground that the
elephant was shot and killed in their holding. Captain
Boyle also claims the tusks on the ground that he first
started the elephant in a reserve forest where he was
entitled to hunt it and that the property in it when
killed remains with him as he was a licensee of the
Forest Department.

4. I enclose a note giving details of the case
and discussing the law on the subject as applying to
this case.

I solicit orders as to the disposal of the tusks.

H.21.xi.

Copy to Collector's file.

for Collector.
The Nilgiris.

Copy of the Note.

1. The circumstances of this case are as follows:
Capt. Boyle obtained a permit from Government to shoot a rogue elephant. He went to Mavanhalla on the afternoon of 21st June 1939 and was shown fresh tracks of an elephant made on the previous night, from which and from the account of the animal which he received from the villagers, he had reason to believe they were the tracks of the proscribed elephant. He therefore followed up the tracks till dark. Next morning he traced the tracks again and came up with the elephant in a part of the forest where there was thick thorn and bamboo. The elephant moved on from the place where he first saw it and Capt. Boyle next saw him in a clump of thick bamboo. The elephant then winded him and charged and Capt. Boyle shot him at a distance of from 5 to 8 yards. The elephant was killed on the land of two pattadars, who now claim the tusks.

2. The following three points may be considered at the outset. (1) It was subsequently proved that the elephant shot was not that for which Capt. Boyle held a permit. It seems clear however that the elephant shot was a solitary and dangerous and there is some reason to believe that it had been ~~pro~~^{we} proscribed previously. ~~He~~^{we} may therefore assume for the purpose of the argument that Capt. Boyle shot the animal with the permission of Government and that his request for a grant of the tusks is, in effect, a claim on behalf of Government against the owners of the land on which it was shot. (ii) It is not definitely known whether Capt. Boyle came up with the animal on private land. It would appear that he came up with it on in forest reserve and followed it up and shot in private land. (iii) He claims to have started the elephant in forest reserve. In my opinion an animal can only be said to be 'started' when the hunter actually sights it and not when he first comes upon its tracks.

3. We may first consider the English Law on the subject of the right to killed game. The English Common Law is concerned with two rights, the right of pursuit and the right of the owner of the land over which an animal is pursued. The substantial basis of the law of property is physical possession of things and the power to deal with them as we see fit. By the Common Law, wild animals are regarded as res nullius and not as being the subject of private property until reduced into possession by being killed or captured. The law lays down that the right of the owner of land to a wild animal is limited to the case where it is started and killed on his land. So, if A starts and kills a hare on the land of B, the dead hare becomes the property of B. But if A starts a hare on B's land and pursues it into the land of C and there kills it, the dead hare becomes the property of A by virtue of the right of pursuit. If A is a trespasser he is liable to civil and criminal proceedings by both landowners, but the game is his unless forfeited under statute. The hare is not B's because it was not killed on his land nor is it C's because it was not started on his land.

4. The first Indian case that I have been able to discover is Raja Kishore Chandra Mardaraj v. Radha Gobind Das. Indian Cases XLIX, 1919 page 193, tried by Mullick and Atkinson JJ. of the Patna High Court. The facts of that case differed in certain material respects from the facts of Capt. Boyle's case and it is referred to because it contains a discussion of the law on the subject, upon which the learned Advocate General, Madras, has based certain conclusions which have been accepted by Government for departmental guidance and which, I would submit are erroneous. Rajah K.C. Mardaraj, V.R. Gobind Das was a case in which the plaintiff Rajah ordered his shikaries to pursue and if possible, kill a rogue elephant that appeared in his forest. They inflicted three wounds on the animal but did not kill it. It then escaped to

to the land of the defendant, which adjoined that of the Raja. Some days later the Raja's shikaries entered the land of the defendant and again inflicted wounds on the animal but did not kill it. Later on it was found dead in the defendant's land. On the facts the court found that there was no evidence at all that the elephant died as a result of the act of the Raja or his servants and that it had not been proved who shot the elephant. It was therefore a case in which A having started an animal on his own land, pursued it into the land of B and claims to have killed it there. But the court found that there was no evidence that he killed it there. In Capt. Boyle's case, he started the animal on Government land with the implied permission of Government and pursued it into the land of B. There is no doubt about his having killed it there.

5. Atkinson J. proceeds to discuss the principles which apply to the property in animals wild by nature. He discusses three propositions laid down by Lord Holt in 1697 in Sutton v. Moody and rejects them all. It may be remarked that none of the three propositions fit the facts of the case which he was discussing for they all deal with circumstances in which a person starts an animal not in his own land but in the land of another. In the patna case the shikaries started the elephant in the land of their own master and under his orders. I would submit therefore that any conclusion as to the law drawn from Lord Holt's ruling would not necessarily apply in Raja K.C. Mardaraj v. R. Gobind Das, nor would the ruling of Westbury and Chelmsford JJ in Blades v. Higgs, which he also discusses, necessarily apply. For that ruling also dealt with a case where A started game on the land of B and killed it there. With due respect it is submitted that the rulings of Lord Holt and of Westbury and Chelmsford JJ. had no direct bearing in the case and that Atkinson J's observations on them cannot be taken as laying

laying down authoritative principles of law. In any case they dealt with a set of circumstances materially different from those in Capt. Boyle's case.

6. Atkinson J also laid down that "A wild animal is the property of the person in whose forest it happens to be for the time beingbut when once it chooses to quit his land and go into the land of another then he ceases to have any property in it and such wild animal becomes the property of that other upon whose land it chooses to make its temporary abode." This dictum would appear to relate to the case of an animal that quits the land of A for the land of B by its own free volition. I do not think that an animal which is hunted from the land of A to the land of B can be said to 'choose' to quit the land of A or to make its temporary abode there. I would further submit that the learned Advocate General has not accurately reproduced this dictum when he says that the Patna decision is to the effect that "if a wild animal quits the land of a particular person and is killed or dies in the land of another, it becomes the property of the person on whose land it is killed or dies". Atkinson J uses the expression 'chooses to quit' which, as explained above, would hardly cover the case where an animal is hunted from the land of one person to the land of another. Although the learned judge appears to base his decision on the opinion expressed by Lord Chelmsford in *Blades v. Higgs*, it is doubtful whether that opinion could properly be applied to the facts of the Patna case. Atkinson J. admits "that the matter which arises for legal decision..... is not really free from difficulty" and the real grounds of the court's decision appear to be that "it would be an absurdity in this state of facts to hold that the plaintiff had acquired any property or right in the body or tusks of this dead elephant", it being held that there was no proof that the elephant died as a direct result of the act of the Raja or his servants. I submit that this case cannot be taken as ~~authoritative~~

as authoritative in the circumstances of Capt. Boyle's case.

7. The other Patna case was *King Emperor v. Artu Bentre*, reported in I.L.R., Patna series III, page 549 (1924). In that case A, without permission from B, started and shot a black buck on land belonging to B. Their Lordships, Adams and Bucknill J.J. held that the ownership of the animal was in B and not in A.

Bucknill J, is reported to have said as follows:--

"If a person kills a wild animal or wild bird on the property of another person such dead creature does not belong to the killer but to the proprietor of the property.....It is necessary to realise the above postulates (about which there is in law no controversy) in order to approach correctly a proper consideration of what took place in the present circumstances". The court found in that case that A had started and killed the animal on B's land and it appears to me that Bucknill J., in giving his ruling as to the law, had in mind the special facts of the case which was before the court and intended to give and did give his ruling as to the application of the law to those facts and was not delivering himself of an obiter dictum on the game law in general. If this position is conceded, the ruling in I.L.R. Patna cannot be taken as a guide in the present case where on the assumption, Captain Boyle did not both start and kill the animal on private land.

8. The other ruling referred to in the learned Advocate General's opinion is that of Plumer J. of the Mysore Chief Court. In that case a person shot a tiger on private land and mortally wounded it. The tiger moved in the land the property of Government and died there. His Lordship held that the animal, by moving into Government land, had become the property of Government. The Advocate General states in his 'opinion' that this decision is in conflict with a prior decision by the same judge.

9. I would submit, therefore, that we are safe in this case in following the principle of the English Common Law, namely, that if A ^{starts} shoots an animal in the land of B and kills it in the land of C, the property in the animal is in A, the hunter. A fortiori, if A starts an animal in his own land (or in land in which the owner permits him to hunt) and kills it in the land of B, the property in the animal is in A, the hunter. In this view the property in the elephant is in Government, provided it is proved that Capt. Boyle started it in reserved forest.

P. Macqueen,
District Magistrate.

(True Copy)

VERY URGENT.

C.F. 33.

In reply, please quote number, date and short title.*

DEPARTMENT.

MAGISTERIAL

Received _____ Registered _____

From (Name)

P. Macqueen, Esq., I.C.S.,
(Designation)

District Magistrate, the Nilgiris,
Post Box _____, (Station) Ootacamund.

Telegraphic Address _____

To

The

Registrar,
High Court of Judicature,

No. _____, dated _____ 19

Perl.C.1 199/39 14th Decr., 39
Sir,

*
ADMINISTRATION REPORT--1939--CRIMINAL--SALIENT
FEATURES--THE NILGIRIS DISTRICT.

ENCLOSURES _____

SPARE COPIES _____

1. Crime:- There has been no noticeable increase in crime or in detection. This year 158 cases were reported as against 156 of last year. 79 cases were detected as against 78 last year.

2. Crimes of violence:- There were 9 cases during the year under report as against 10 and 7 respectively in the years 1938 and 1937. A case of note was one in which the accused a boy of 18 years was given shelter for the night by a local merchant and in the morning was found stabbed to death; but there was not sufficient evidence to bring the crime home to the accused.

2. In another case, owing to the action of the Police in failing to make a proper investigation the crime could not be brought home to the accused. One Aaron complained at the Kandal Police Station that one Cicely had caused the death of his daughter who was pregnant, by assault. The Sub Inspector of Police neither recorded his complaint nor made any note of Aaron's appearance at the Police Station in the station diary. Aaron then complained to me and, as his complaint contained contradictions, I ordered an investigation under section 202 C.P.C., as a result of which

which, he was called on to show cause why he should not be prosecuted for making a false complaint. Evidence was taken but though there is no doubt that he had contradicted himself there seemed to be good reason to suppose that his daughter had met his death by violence. The matter had therefore to be dropped.

Crimes relating to property.

3. There were 79 cases during the year under report as against 82 and 119 respectively in the years 1938 and 1937.

4. Poaching is a not uncommon offence in this district and it sometimes reaches dangerous proportions.

Two cases of importance are worth mentioning under this category. In one case, a Havildar and privates of the Military Training from Bangalore were reported by the Range Officer, - Mudumalai for poaching in Reserve forests, refusing to give - their names when called on to do so and threatening the Range Officer Sri P. K. Sankara Menon with a gun. They were court-martialled at Bangalore and acquitted. As there appeared to have been a failure of justice, I reported the fact to Government recommending that the Havildar should be tried in an ordinary - criminal court. Government have, however, ordered that they do not propose to take any action in respect of the order of acquittal passed by the Summary Court-Martial in the case.

5. In the other poaching case, seven persons (M.A. Samson, R. Swamy, A. Sundaram, T. Joghee, B. Gangadaya, B. Somappa Chettiar and P.V. Krishnan) were charged for poaching in Reserve Forest at night from a motor lorry, carrying unlicensed guns, shooting a deer out of season and obstructing two Forest Guards in the lawful discharge of their duties. Several of these offences were convicted. One case has been taken to the High Court. The work of the Forest Subordinates in this very wild part of the country is arduous and dangerous and it is very necessary that this kind of offence should be adequately punished.

6. Security Sections:- There were 10 cases during the year as against 4 last year.

7. Motor Vehicles Rules:- The cases under this head shows a decrease during the year as compared with last year. There were 907 cases during the year as against 1144 cases during 1938.

8. In G.O. 2994, Home, dated 30th May 1939, Government - suspended the rule framed by the Road Traffic Board restricting the wheel base of lorries running on the roads of this District. Since then there has been no control over the size of lorries in respect of wheel base, running in this District. It is not known why Government took this action or when they intend to decide the question. It is submitted that the suspension of this restriction is likely to cause danger to traffic generally, especially if the suspension continues during the forthcoming season.

9. Cases relating to G permits give considerable trouble. Owners find it more convenient to apply to the Central Road Traffic Board than to each District Road Traffic Board for extension of the validity of G permits. Frequently cases have come before the Court of the Joint Magistrate where applications have been made in time but orders are not passed by the Central Road Traffic Board until long after the date of expiry of the provisional permit. Strictly speaking, of course, owners should not run their lorries after the date of expiry of the provisional permit and when they do they are prosecuted. By the time the case comes into Court orders have generally been passed by the Central Road Traffic Board and when these orders are favourable the permit is validated for 12 months from the date on which the provisional permit was first granted. Thus, although at the time of check by Police Officers the accused owner was committing an offence, when the case comes into court he can produce documentary evidence in the form of the permit to show that his use of the lorry on the date of check has subsequently been legalised. In such cases a strictly legal view requires that the accused be convicted of an offence on the date of check whereas equity requires that he be acquitted. To avoid this I suggest one of the two alternatives, either G permits should be issued like gun licences for

for the calendar year only and application for renewal etc., should be made before 15th November of the preceding year; or no G permit should be validated from a date prior to that on which the validating officer signs the permit. I think there would be many advantages if all lorry and bus permits were issued for the calendar year only.

10. In the year under report there has been an increase in the number of cases for failure to take out Motor Vehicles Taxation licences in time. I would suggest that the period of grace be - extended from 7 days to 14 days in conformity with English practice and that the Police checks should be held during the period of grace when persons who have failed to take out their licences should be - warned, but prosecution should only be launched in those cases where tax is not paid by the 14th day. This also would be in conformity with English practice.

11. The Code makes the owner and the driver both liable for offences under the Motor Vehicles Taxation Act and in G permit and brake certificate cases. This causes very grave hardship to - professional drivers. If charged they are bound to be convicted and fined, but it is really the owners who are responsible for the offence. No professional driver can refuse to drive a bus, car, or lorry simply because his employer has not taken out the proper permits, without the very real risk of instant dismissal for insubordination. I suggest that the Code should be amended, so as to make either the owner or the driver liable but not both.

12. The code also provides for the suspension of driving licences and G permits by executive action in certain cases. - These orders of suspension take effect from the date on which they are approved by the suspending officer, and cases have come where drivers have been prosecuted for driving after such suspension has been promulgated but before the orders of suspension have been - served on the person concerned. I think that in such cases the suspension should only come into force from the date of service on the person concerned. This power of suspension is also - sometimes harshly used. For instance there have been cases brought

before

before the Joint Magistrate for rash and negligent driving in which the accused's driving licence has been suspended pending disposal of the case. The accused was found not guilty, but the accused has already been punished by the executive action taken. This is manifestly contrary to principles of justice.

13. Another defect reported by the Joint Magistrate is that the code makes no definite provision against the overloading of - private cars. A case had to be throw out for want of a positive provision in the code under which such cases could be charged. The only possible clause at present under which a case could be brought would be rule 24 (b) of the Madras Traffic Rules at page 113 of the code.

14. Food Adulteration Act. There were 89 cases during the current year as against 65 and 77 in the years 1937 and 1938 respectively. Despite severe punishment in these cases number of crimes under this head tends to increase. Penalties are being made even heavier with the object as ^{Serving} ~~saving~~ as a deterrent.

15. Other Special Acts. 60 cases were tried under the Indian Companies Act. These cases were of a purely technical nature. - There were also a few cases under the Madras Forest Act and Indian Wireless Telegraphy Act. There is nothing worth mentioning under this head.

16. Bench Court Work. All the Bench Courts in the District are functioning properly. As a result of the re-organization of the system of recruitment of Honorary Magistrates, appointments to vacancies on the Bench are delayed, as the ^{members} ~~members~~ of the Selection Committee have to equip themselves with all possible information for appointment. This will be set right after short experience. As regards the scale of fines there has appeared at times a tendency to inflict the same degree fine in a number of cases of a totally different nature with-out due regard to the facts of each particular case. On the whole fines are on the lenient side except for one Bench (Kotagiri).

17. Nilgiri Society for Prevention to Cruelty to Animals:- There have been a considerable number of prosecutions under this Act. Great

Great difficulty was being experienced in the matter of overloading cases owing to differences of opinion as to what constitutes a reasonable load. I have issued a notification suggesting suitable permissible maximum weights for pack and cart loads.

18. Courts. There is only one Stationary Sub Magistrate for the two taluks of Coonoor and Ootacamund with his Head Quarters at Coonoor.

19. Police. On the out break of war, the strength of the Cordite Factory Guard at Aruvankadu was increased by one Head Constable and 54 constables; special guards were also posted at vulnerable points. Guards at the more important points have been retained and enlistment of temporary constables made in place of the men so employed.

20. General. There were only three cases of murder during the year as in the last year. Owing to factions among the Badagas they were as usual asking frequently for orders under section 144 in respect of the temple festivals. There has been friction between Mahomedans and Hindus in Ootacamund over religious processions. I have finally laid down the principles which should guide the Police in dealing with them. Crime by juveniles has been somewhat prevalent; the cases in which they have been concerned are mainly petty house breakings (un-occupied houses) and thefts. An inter-provincial cheat with a dozen previous convictions, who cheated several gentlemen and firms in Ootacamund during the season, posing as a very wealthy person, was successfully prosecuted. A gang of professional cheats concerned in 15 cases was also successfully dealt with.

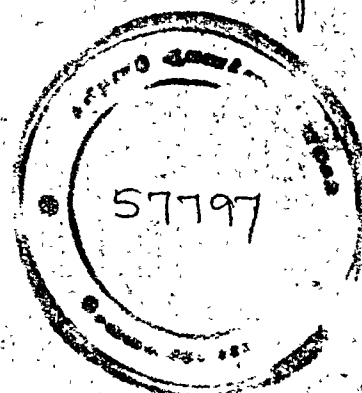
The statement called for in the Registrar's R.O.C. No. 6075/39-C2, dated 23rd November, 1939 is enclosed.

ADMINISTRATION REPORT--CRIMINAL JUSTICE--1939--SALIENT FEATURES--THE NILGIRIS.

Courts of Magistrates.	Institution.	
	1938	1939
Cases of grave crimes ..	3	3
Total number of crimes ..	156	158

To Asst 4/11 for 5077 cc 0 DISTRICT MAGISTRATE.
The Registrar,
High Court of Judicature,
M A D R A S.
RR:15:x11.
Copy to D.M's file

RR:15:x11.



5077 cc 0
15-12
for DISTRICT MAGISTRATE.

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