

Financial (1898) Department.

ORDINARY MS.

G.O., No. 257

Dated 11-3-98

INDEXED.

5/5

[Despatch Abstract.]

Recording proceedings
Rev dept, passing orders on the
question of improving the present
position of sub-collectors.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government (1898) of Madras.
REVENUE.

609: 3.8.97
768 Rev. 2.9.93.

Mr J. A. Per

Please say why comm^d to

Int^l?

Cmb

8/3/98

merely for information.

Recd. *4. March* } 1898.
Regd. *5 - 3 -*

Enclosures

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G.O., No. 86, 12th February 1898.

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ORDER *W^o 2578* FEBRUARY.
11-3-98

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Sub-Collectors.

Passing orders on the question of improving the present position of —.

WITH ORD

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., Mis. No. 1672, Revenue, dated 26th March 1897.

Order—Mis. No. 1672, Revenue, dated 26th March 1897.

The Government considers that the present position of Sub-Collectors in this Presidency stands in need of improvement. Sub-Collectors are usually officers of long service and high position who will shortly have to fill the place of a Collector. It is desirable that they should be trained for that place by allowing them to exercise as much of the power and undertake as much of the responsibility of a Collector as they can, subject of course to the Collector's general power of revision and control, and that a distinction ought to be made between them and the other Divisional-officers. His Excellency the Governor in Council is of opinion that the end in view may be secured by restoring to Sub-Collectors, (i) the power of nominating to the higher offices in the sub-division, such as Tahsildars, Deputy Tahsildars, &c., subject to the confirmation of the Collector, (ii) the power of granting privilege leave to these officers, without the right of veto on the part of the Collector, and (iii) the three distinctive powers which were taken away from them in 1893 under G.O., No. 768, Revenue, dated 2nd September 1893. The Board of Revenue is requested to report, after consulting a few selected Collectors, if there is any objection to the contemplated restoration of powers.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

READ—also the following Proceedings of the Board of Revenue (Land Revenue), No. 227, dated 8th July 1897:—

FULL BOARD.

Read—again Proceedings of the Board of Revenue (Land Revenue), Mis. No. 1255, dated 3rd April 1897.

ABSTRACT.—Communicating to certain Collectors, for early remarks, Government Order considering that the present position of Sub-Collectors in this Presidency needs improvement, and requesting the Board of Revenue to report, after consulting a few selected Collectors, if there is any objection to the restoration to Sub-Collectors of certain powers which have been taken away from them.

Read—also replies from certain Collectors to the above Proceedings.

Resolution—No. 227, dated 8th July 1897.

In its order disposed of in the first of the papers read above, Government desired the Board to express its opinion on the question of improving the present position of

Sub-Collectors, after consulting a few selected Collectors. Government observed that Sub-Collectors in this Presidency being usually officers of long service and high position who will shortly have to fill the place of a Collector, should be allowed to exercise as much of the power and undertake as much of the responsibility of a Collector as they can, subject to the Collectors' general power of revision and control and that a distinction ought to be made between them and the other Divisional-officers. It accordingly proposed to restore the following powers to Sub-Collectors:—

(i) The power of nominating to the higher offices in the sub-division, such as Tahsildars, Deputy Tahsildars, &c., subject to the confirmation of the Collector;

(ii) the power of granting privilege leave to these officers without the right of veto on the part of the Collector;

(iii) the three distinctive powers which were taken away from them in 1893 under G.O., No. 768, Revenue, dated 2nd September 1893, viz.:—

(a) the right in exceptional cases to require a reference to the Board in the case of an order issued by the Collector which the Sub-Collector deems improper;

(b) the right to appoint and dismiss Revenue Inspectors and clerks drawing over Rs. 20 (except his own Head Clerk) in his division subject to the Collector's general power of revision and control; and

(c) the independent right of appointment to posts of Rs. 20 and under subject merely to the Collector's general power of revision and control, whereas in the case of the other Divisional-officers, this power is expressly subjected to the Collector's veto.

North Arcot	(Mr. S. H. Wynne).
Górávari	(" V. A. Brodie).
Salem	(" C. H. Mounsey).
Tinnevely	(" A. W. B. Higgins).
Kistna	(" J. N. Atkinson).
South Arcot	(" A. E. C. Stuart).
Coimbatore	(" H. Bradley).

2. The Government Order was communicated to the Collectors of the marginally-noted districts and their opinions, which have now been received, will be dealt with under each of the classes of powers specified above.

3. Item (i)—The power of nominating to the higher offices in the sub-division, such as Tahsildars, Deputy Tahsildars, &c.—All the officers consulted deprecate the grant of this power to Sub-Collectors on the ground that the field of selection for the responsible posts of Tahsildars, Deputy Tahsildars, &c., is the whole district and that Sub-Collectors can know nothing of the officers serving outside their divisions. Messrs. Castlestuart-Stuart, Bradley and Higgins also point out that the present staff of Sub-Collectors consists for the most part of junior officers who are constantly being transferred from one district to another and that they cannot, therefore, be expected to make suitable selections for filling up such appointments. If, however, Government decides to give this power to Sub-Collectors, Mr. Bradley would restrict its grant to officers who are of at least ten years' standing in the service and have been in the sub-division for at least a year continuously. He thinks (and so does Mr. Atkinson) that it would be sufficient to direct that Collectors should consult their Sub-Collectors before making selections for the higher appointments in question.

4. Item (ii)—The power of granting privilege leave to officers in the grade of Tahsildars, Deputy Tahsildars, &c., without the right of veto on the part of the Collector.—The

* Mr. S. H. Wynne.	Mr. V. A. Brodie.
" C. H. Mounsey.	" J. N. Atkinson.
" A. E. C. Stuart.	

majority * of the officers consulted object to the grant of this power also. Mr. Wynne observes that the power of granting leave cannot be separated from the

power of appointment and that it is only the Collector that can know how and when leave can be granted without inconvenience. The total number of officers on leave in the district may be such as to necessitate the refusal or the indefinite postponement of the leave applied for; or the date of expiry of the leave already granted to an officer in another division may fix the date from which the leave of another officer in the Sub-Collector's division ought to begin, so as to avoid unnecessary transfers, expense and inconvenience. He adds that the power of granting leave without veto can in no way assist in training the officer who exercises it when he has not the power of appointment without veto, but will have rather the opposite effect as it confers on him power without responsibility. Mr. Castlestuart-Stuart points out that it would be illegal to take away the Collector's right of veto by an executive order, the right

being one conferred by an express provision of law—*vide* clause (3), section 3 of Regulation VII of 1828. Messrs. Bradley and Higgens on the other hand see no reason why Sub-Collectors should not have the power of granting privilege leave to senior subordinate officers in their sub-divisions.

5. As regards the three distinctive powers which were taken away in 1893, all the officers consulted (excepting Mr. Castlestuart-Stuart) consider that these minor powers may be restored to Sub-Collectors. Mr. Atkinson states that he has always been of opinion that the final assimilation of Sub-Collectors to other Divisional-officers which was effected in 1893 was regrettable inasmuch as it tended to contract the field within which a Sub-Collector could acquire administrative experience, increased the Collector's work proportionately and impeded the equal and impartial distribution of promotions throughout the district. He would therefore welcome a reversion to the state of affairs which existed before 1893. Mr. Castlestuart-Stuart submits, on the other hand, that any tendency to weaken the authority of the Collector in a part of his district without lessening his responsibility to Government for the efficient administration of the whole, is to be deprecated, and that the contemplated changes appear to him to be not only unnecessary but also inexpedient.

6. Item (iii)—(a) *The right in exceptional cases to require a reference to the Board in the case of an order issued by the Collector which the Sub-Collector deems improper.*—Mr. Castlestuart-Stuart objects to the grant of this power on the ground that it will only tend to create friction. "A self-opinionated Sub-Collector with insubordinate tendencies, nebulous theories, doctrinaire views and peculiar ways can, if he chooses, give his Collector quite enough trouble as it is, without arming him with special powers to render himself still more objectionable." Mr. Higgens is, on the other hand, of opinion that no great harm could be done by the grant of this power, as, in cases where officers work harmoniously, the number of references that will have to be made to the Board will not be greater than if existing conditions were continued. He at the same time fears that an obstructive Sub-Collector might waste his own time and that of the Collector and the Board by insisting on unnecessary references. Mr. Brodie also thinks that the number of references to the Board will not be numerous and adds that, in the absence of this right, no responsibility for the administration of his division is felt by the Sub-Collector. He considers it necessary and desirable that there should be an officer empowered to express his own views on any important question of administration and so possibly procure the rectification of an error which may have been committed by the Collector in consequence of the large quantity of work that has, under existing conditions, to pass through his hands. Mr. Mounsey observes that, in some instances, Collectors happen to be their Sub-Collectors' seniors by one year only and that it is, therefore, desirable that Sub-Collectors should have the right to require a reference being made to the Board on any disputed point.

7. Items (iii) (b) and (c)—(b) *The right to appoint and dismiss Revenue Inspectors and clerks drawing over Rs. 20 in the Sub-Collector's division (except his Head Clerk), subject to the Collector's general power of revision and control*—(c) *The independent right of appointment to posts of Rs. 20 and under, subject to the Collector's general power of revision and control.*—The objections to the grant of these powers which are urged by Mr. Castlestuart-Stuart are, (1) that in the case of appointments of Revenue Inspectors and clerks drawing over Rs. 20, the area from within which selections can be made for vacancies occurring in the sub-division will become unnecessarily restricted; and (2) that in the case of appointments carrying a salary of Rs. 20 and under, the right of veto cannot be legally taken away from the Collector. On the other hand, Mr. Brodie states that Sub-Collectors having shortly to occupy the still higher positions of Collectors or District Judges can safely be trusted with the exercise of patronage to a limited extent and that the power can be exercised without detriment to the public service, as Sub-Collectors can generally find competent men in their own divisions to fill the places of Revenue Inspectors and clerkships of Rs. 50 and less. The only appointment he would exclude is that of Taluk Head Accountant, to which nominations will be made in consultation with the Treasury Deputy Collector. He adds that if memoranda of appointments made by Sub-Collectors are transmitted to the District Press through the Collector, he can, without ordinarily disturbing the Sub-Collector's appointments, issue general instructions from time to time for future

guidance with reference to the appointment of better qualified men if such are available in other parts of the district. Mr. Higgens would exclude from the scope of this power Revenue Inspectors, Taluk Sheristadars and Taluk Head Accountants, for the reason that they require to be moved from one part of the district to another. He has, however, no objection to Sub-Collectors being authorised to nominate men for all ministerial appointments including that of their Head Clerk, subject to confirmation by Collectors. Messrs. Mounsey and Wynne observe that though the field of selection for the office of Revenue Inspector is the whole district, the number of officers of this class is considerable even in the sub-division and that the delegation of the power to Sub-Collectors will relieve Collectors of some very troublesome work, while the experience gained by the exercise of it will be of immense assistance to Sub-Collectors when they are called upon to fulfil the more difficult duties of Collectors. Mr. Mounsey would, however, leave the appointments of Taluk Sheristadars and Taluk Head Accountants in the Collector's hands, any recommendations which Sub-Collectors may make being duly considered. Mr. Bradley points out that as the Collector is likely to pay less personal attention to the working of the division which is under the senior officer than to that of the other divisions, the claims to promotion of the clerks and Revenue Inspectors employed under Sub-Collectors tend to escape the Collector's notice and that this defect of the present system would be remedied if the power of appointment were, as suggested, vested in Sub-Collectors themselves.

8. The Board agrees with the majority of the Collectors consulted in considering that it is essential in the interests of district administration to withhold from Sub-Collectors the power to nominate their own Tahsildars, Deputy Tahsildars and other upper subordinates or to give them privilege leave. The Sub-Collectors of the present day are mostly junior officers and are never left very long in the same division, in consequence either of transfers from one district to another, or of promotion to higher posts, or of absence on leave. Further, the field of selection for the posts in question, which are of a very responsible nature, will in most cases be unnecessarily restricted to the subordinates serving within the Sub-Collector's division. The Board believes that

Collectors always consult such of the Divisional-officers as really know their divisions about nominations to be made to vacant posts in such divisions and that to concede more to Sub-Collectors for the mere purpose of training them in the work of Collectors would involve an undue interference with the Collector's efficient administration

Districts.	Names of Sub-Collectors employed on the 1st July 1897.		Actual service up to that date.		
			YS.	MONS.	DS.
South Arcot	Mahomed Raza Khan, Esq.		14	6	9
Cuddapah	E. L. Vaughan, Esq.		8	11	17
Kistna	H. F. W. Gillman, Esq.		8	6	28
Ganjām	J. G. D. Partridge, Esq.		8	5	27
Salem	Lionel Davidson, Esq.		7	6	10
Tanjore	F. Du Pre Oldfield, Esq.		6	7	20
North Arcot	V. Venugopal Chetty, Esq.		6	7	10
Vizagapatam	S. B. Elwin, Esq.		6	5	27
Tinnevely	P. S. P. Rice, Esq.		6	6	24
Chingleput	J. H. Robertson, Esq.		5	9	6
Gōdāvari	W. W. Phillips, Esq.		5	8	20
Malabar	M. J. Murphy, Esq.		5	6	10
Madara	R. F. Grimley, Esq.		5	1	20
Coimbatore	L. G. Moore, Esq.		4	6	15

tion of the district and would also injuriously affect the interest of the subordinates themselves, matters which are of more importance than the improvement of the Sub-Collector's status. The power to grant privilege leave to the officers in question should in particular be retained in the Collector's hands, as he alone knows when the leave applied for by any such officer can be granted and how the vacancy caused by the grant of the leave can be filled up so as to entail the least possible expense and inconvenience.

9. No great objection, however, exists to the restoration of the three distinctive powers which were taken away from Sub-Collectors in 1893. The right to require a reference to the Board in cases of disagreement is productive of possible good and is not likely to cause much inconvenience, as Sub-Collectors are not usually obstructive and as the abuse of the privilege would be promptly visited by the severe displeasure of the Board and Government. The power to appoint Revenue Inspectors and all clerks drawing over Rs. 20, except their own Head Clerks, may also be conferred on

Sub-Collectors without detriment to the interests of the district administration, as competent men are usually to be found within the limits of their divisions. The appointment of Taluk Sheristadars and Taluk Head Accountants should, in the Board's opinion, be left in the hands of the Collectors, as a knowledge of accounts is essential in their case and as the Treasury Deputy Collector should also be consulted in making nominations to these offices.

10. In addition to the proposals made by Government and dealt with above, Mr. Higgins suggests the delegation to Sub-Collectors of certain other powers at present exercised by District Collectors, but as the powers of all classes of officers have been only recently revised in connection with the question of reducing the work in Collector's offices, the Board considers it inexpedient to re-open the matter now.

11. In conclusion Mr. Brodie, the Collector of Górávari, makes the suggestion that the pay of the Sub-Collector's Head Clerk should be raised from Rs. 85 to Rs. 100 or 110, the object of the proposal being to ensure their remaining in the office for some length of time and to compensate them for being passed over when vacancies of Deputy Tahsildars on Rs. 100 occur. The Board is not prepared to support this proposal at present.

(True Copy and Extract.)

(Signed)

N. S. BRODIE,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Copy to all Collectors (Divisional-officers).

ORDER—No. 86, Revenue, dated 12th February 1898.

Miscellaneous.

The views of the Collectors consulted and of the Board of Revenue confirm His Excellency the Governor in Council in the opinion that the present powers of Sub-Collectors should be enlarged and their responsibilities increased so that these officers may be more fitly trained for the important and onerous duties they may be called upon to discharge as heads of districts.

2. The order which appears to have had the most prejudicial effect on the position of Sub-Collectors is that contained in paragraph 1 of G.O., No. 768, Revenue, dated 2nd September 1893, directing that these officers should be placed on exactly the same footing as other Divisional-officers. The Government resolves to cancel this instruction.

3. The powers which were thereby taken away from Sub-Collectors were —

(1) the right in exceptional cases to require a reference to the Board in the case of an order issued by the Collector which the Sub-Collector deems to be improper ;
(2) the right to appoint and dismiss Revenue Inspectors and clerks drawing over Rs. 20 (except their own Head Clerks) in their division subject to the Collector's general power of revision and control ; and

(3) the independent right of appointment to posts of Rs 20 and under, subject merely to the Collector's general power of revision and control, whereas in the case of the other Divisional-officers, this power is expressly subjected to the Collector's veto.

These powers will now be restored. With regard to the first power, the Government considers that the fears expressed as to the likelihood of its being abused and regard to the second power, the exception of the Sub-Collector's Head Clerk resulted from the fact that the Sub-Divisional Sarishtadar whom the Head Clerk replaced was excepted. The Sub-Divisional Sarishtadar was an officer of much higher status and larger responsibilities than the present Head Clerk, and the Government is of opinion that the exception should not be made. The appointment and dismissal of Taluk Sarishtadars and Head Accountants should however remain in the Collector's hands as the chief qualification in the case of these officers is a fitness to supervise treasury work and the Sub-Collector's knowledge of the officers from whom the selection must be made is necessarily limited.

4. The officers consulted are generally opposed to re-investing Sub-Collectors with the remaining two powers which they once exercised, viz. :—

- (i) the power of nominating to the higher offices in the sub-division such as Tahsildars, Deputy Tahsildars, &c., subject to the confirmation of the Collector ;
- (ii) the power of granting privilege leave to these officers without the right of veto on the part of the Collector.

The Government agrees with the Board that sufficient reason has been shown for not delegating these powers to Sub-Collectors. With reference, however, to the expression of the Board's belief that Collectors always consult such of the Divisional-officers as really know their divisions about nominations to posts that fall vacant in their divisions, the Government considers that this procedure should be distinctly ordered in the case of Sub-Collectors who should be invariably consulted in such cases. It should also be made a rule that Collectors should send all communications, except on purely treasury or account matters intended for Tahsildars, Deputy Tahsildars, or Head Accountants in the Sub-Collector's division, either through the Sub-Collector or, if direct, then that a copy should at the same time be sent to the Sub-Collector.

5 With reference to the above orders, the Board is requested to submit a draft Standing Order on the position of Sub-Collectors to be included in chapter XIX of the Standing Orders reviewed in G.O., No. 449, dated 10th June 1897. The draft order should follow the lines of the old Standing Order No. 234 as printed on page 5 of G.O., No. 738, Revenue, dated 2nd September 1893.

(True Extract)

Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

„ the Financial Department.

„ the Public Department.

„ the Accountant-General.

Copy to the Board of Revenue (Revenue Settlement,
Land Records and Agriculture).

„ „ Board of Revenue (Separate Revenue).

Exd. A. F. Eccleston.

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