

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	945	Press
		~~His.~~
183-184		
Dated	24. 7. 1861	H# .

6/7

Not to be folded or roughly handled

162

Proceedings of the Madras Government, Judicial Department,
21th July 1861.

No. 183. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Vizianagrum, 10th May 1861, No. 659.

I beg to refer you to Proceedings of Madras Government, (Revenue Department) and Order thereon, dated 17th April 1861, No. 868, paragraph 7, by which the Board of Revenue is instructed to prepare the draft of a Bill to enable the Government "to impose a money cess on the payers of land Revenue; the produce to be denoted to the payment of village servants in the Revenue Department; the cess to be in supersession of all existing fees for that object. The present Draft Act will be returned to the Board, and they will be requested to prepare a new Draft for the purpose just stated. This Draft should be confined to the Revenue Department only; the fees in the Police Department will be dealt with by the Inspector General of Mufassal Police."

2. With reference to the last clause of the above extract I request the instruction of Government.

3. I venture to submit at the same time the copy of a letter addressed by me to the Board of Revenue, under date 26th May 1860, with the Draft of two Bills for carrying the proposals therein made, respectively, into effect.

4. The Draft No. II might become the basis of an Act to be prepared for carrying out the spirit of the Orders of Government above alluded to in respect to Village Police likewise.

From W. ROBINSON, Esq., Inspector General of Mufassal Police; to the Secretary to the Board of Revenue, dated 26th May 1860.

VILLAGE POLICE FEES.

1. The difficulties which manifestly beset an attempt to draw an Act for the realisation and commutation of the Village Police Fees, are such that I beg that you will, with reference to the Order of Government dated 5th April 1860, No. 540, submit the following observations for the consideration of the Board of Revenue.

2. I am satisfied that it will be impossible to deal with the Police, in the same Act with the Revenue Fees. They must, for many reasons, be separately treated.

3. The following is an abstract of the Police Fees, so far as I have yet been able to ascertain them, from Revenue returns. I have adopted the classification already used by Government and divided them into *great* and *small* fees—although the terms are not strictly correct:—By the former are to be understood the joint contributions of the State and the people, consisting generally of a certain share of the estimated gross produce on which the Revenue Settlement was fixed. By the latter are meant the collections made by the Talari themselves from the Rayat: and these include a further share of the crop, as well as mixed and personal Fees. These last, it will be observed, are returned in very few Districts, and even in those they are very imperfectly ascertained. The sum returned in no way represents what is really exacted or drawn from the public.

District.	Great Fees.	Small Fees.	Total.
1. North Arcot. ...	33,748	.....	.....
2. Chingleput. ...	63,122	.....	.....
3. South Arcot. ...	14,150	.....	.....
4. Trichinopoly. ...	24,672	.....	.....
5. Bellary. ...	32,211	.....	.....
6. Cuddapah. ...	633	.....	.....
7. Tinnevely. ...	31,704	58,854	.....
8. Coimbatore. ...	.....	12,457	.....
9. Tanjore. ...	45,658	.....	.....
Total...	2,45,898	71,311	3,17,209

N. B.—The condition of the Fees in the other nine Districts is not known to me. In all the above Districts unascertained "small" fees are likewise levied by the Talari. In the two Districts of which returns have been made the actual collection exceeds the return, In Malabar and Canara there are none.

The Board will perceive that the *great Fees* vary greatly in the Districts; that in some nothing was set aside at the settlement for the Police establishment, while in some villages more is contributed than is requisite. In some Districts these Fees appear in the Revenue "Dittum"—but only on particular crops and lands, and at rates which vary in every village but in practice are not adhered to. In other Districts there is no "Dittum," although a share of the crop is by immemorial practice claimable, but is very irregularly realised by the Talari. Such is the present position of the *great Fees*—that of the *small* is still worse. There is no "Dittum" or record of them—they vary every where not only in adjacent villages but even in the same village from year to year: and any attempt to ascertain them now would result in a general denial of their existence or an assertion of their being purely voluntary. These *small fees* however have unquestionably existed in all parts of the country from time immemorial—and they are, beyond all doubt, though a more fluctuating, still a not less inseparable portion of a public contribution to a public institution than the *great Fees*, and a private individual can no more justify his withholding the one than the other.

5. The condition of the Establishments is equally unsatisfactory. Single individuals absorb the fees of ten to twenty and even more villages—doing little or nothing in return—hundreds of villages have neither Talari nor Fees—frequently the number of Talaris is out of all proportion to the real requirements of the village. And while Funds are really drawn from the people, which are probably nearly if not quite sufficient for all necessary purposes, the State is actually obliged to give out of the public Revenues and Lands, in order to restore and uphold an useful and wholly indispensable institution, which, by the immemorial usage and constitution of the country, the people ought, and in reality do contribute, in the aggregate, nearly enough, to support.

6. There is no question that the whole system of Police Fees was originally based on the principle (which Law and Order do not cognise) of Black-Mail. It became the interest of Government to contribute its share to the *great Fees* of the Village Police, by allotting a portion of the gross produce of the land, because, under the early system of sharing the crops with the Landholders, it had an equal interest in making terms with the only thieves of the country. The people again contributed in addition the *small Fees*, to obtain security for their household and general property. Intimidation and the certainty of loss constituted at once the motive for payment and the engine of exaction. The portion which the Government contributed has generally been left in the hands of the Landholders who were responsible for the Revenues; but they have often really appropriated it, instead of paying it over to the Talari. The *small Fees* have shared the same fate. Circumstances have since changed since these rates took their origin. The people are no longer so completely at the mercy of the thieving races of the community, and the Fees of both classes are now very generally withheld. The difficulty even of ascertaining, much more of collecting the fees, such as they are, is extreme and is increasing daily with the growing independence of the people and the greater security of property. In fact, every measure which the Government adopts to ameliorate the condition of the people and to restrain the licentiousness of the robber classes enhances the difficulty and hazards the continuance of these useful contributions, which are in fact "*local rates*:" for we cannot recur in any shape to intimidation or lessen the security of property in order to enforce their payment.

7. At the same time we cannot, in justice to the country, give up these local rates, whether *great or small*, however equivocal their origin. They are part of the constitution of the country—the wages of a most important constituent of the local institutions—and the obligation to pay them is a part of the common Law of the land and familiar to the people.

8. The question for decision is, how we are to deal hereafter with these Fees? and some principle of action must be decided on.

9. Two courses suggest themselves:

1. To continue as we are, with only such modification of the existing Law as will enable us to collect the Fees with the Land Revenue. What I have said above will show the impracticability of this course. The Law cannot deal with uncertainties and variable amounts. We do not even know what the fees are in many cases, and in what they consist; often they have

disappeared and we could not possibly ascertain, much less revive them. Evidence of their ancient existence could scarcely be expected, and we should be obliged to take the *onus probandi* on ourselves. Any attempt to adopt this course would be only to perpetuate the evils we now experience—would be demoralising and expensive—and so onerous as to be beyond the reach of any reasonable establishments to settle. Even if the fees could be ascertained, their commutation into money payments would present serious difficulties. We could not, in fact, in this country commute the mixed and personal fees—such as eggs, chickens, sheep, sheep's heads and skins—fees on carts and goods, &c., &c. And, if we could, we should again be perpetuating existing inequalities and irregularities.

The Fee principle bears a strong analogy to the Tithe system of England, where commutation and systematic registration are now being carried out. But great as are the difficulties and expenses there, those experienced here in following a similar course would be infinitely greater.

II. To abolish the fees altogether, and in lieu of them establish a light and uniform Local or Village Police cess rated on the Land Assessment. The advantages of this system are self-evident—all would contribute rateably to support what all benefit by—the people would be saved all vexations interference—the cess would increase with the prosperity of the country—the Collector would realise it easily with the Land Revenue—the Police could be altogether relieved from collecting their own emoluments, and Government, acting in the interests of the community, would be able to count on a certain resource, and to adjust the local establishments and expenditure according to the varying requirements of each locality. A cess of 6 Pies in the Rupee or $3\frac{1}{2}$ per cent. on a Land Revenue of 350 lacs would bring in nearly 11 lacs of Rupees—one of 4 Pies would yield nearly 8 lacs and one of 3 Pies would produce $5\frac{1}{2}$ lacs. Imperfect as my returns are, they give a total of Rupees 3,17,000 as the amount of fees collected, but the returns of many districts are blank, and there can be no doubt that a far larger amount of the public wealth is frittered away among the army of dissatisfied Village Watchers of more than dubious character now scattered over the Country. The people in fact pay largely for work badly and often never done, and the Commonwealth loses the energies and services of thousands of able bodied men.

10. The advantages of a cess of this kind to the people are obvious—and should, I think, overcome their known objections to Government taxation. The cess would be light and they will get—what they have never yet got—the value of their money in the shape of an efficient and well regulated Police.

I advocate this alternative as the best and in fact only course open to us. All that will be required, if this course is adopted, is an Act to authorise Government to abolish all existing Fees and substitute for them a Police cess, rateable on the Land Revenue at a rate not exceeding $3\frac{1}{2}$ per cent. or half an Anna in the Rupee.

DRAFT ACT.

1. Whereas by the immemorial usage of the country, a certain portion of the expenses of the Local Police has been paid by local fees and contributions, and whereas many abuses have arisen from the separate collection of such fees by the Police Officers individually entitled thereto, and whereas it is expedient that all such fees and emoluments should be collected and disbursed by the State; it is enacted as follows:—

2. All fees, contributions and allowances of every description, which have hitherto been collected by the Local Police, as a recompense for their services, shall for the future be collected by the ordinary revenue authorities, and be appropriated under such orders as the Governor in Council may issue to the maintenance of the District Police. And no person shall be entitled to exemption from such rate on the ground of not having been actually charged with the same for any length of time, or in consequence of residing at a place where it has not been actually levied, or in a newly constructed house, or upon lands newly brought into cultivation.

3. Where such fees, contributions or allowances have hitherto been payable in kind, it shall be the duty of the Collector, or of such of his subordinates as he shall authorize in that

Proceedings of the Madras Government, Judicial Department,
24th July 1861.

behalf, to commute the same for a money payment, which shall be calculated upon an average of the prices current in each district during the three preceding years, as nearly as the same can be ascertained. The rates of commutation shall be made generally known throughout the district by affixing notices in public places, and otherwise as the Collector shall direct.

4. The rates of commutation settled as above enacted shall continue permanently, and unless the Governor in Council shall see fit to direct a revision of the same.

5. All appeals against any act done under the powers herein conferred, shall be preferred within one month to the Collector or to such revenue officer as he may by general or special order delegate to decide the same; provided always that the decision of the Collector when given originally shall be final, and that in no case shall a second appeal be allowed.

6. All rates assessed and due under the provisions of this Act shall be collected and enforced in the same manner as arrears of ryotwary land revenue.

7. All rates collected under this Act shall be carried to an account to be called the Local Police Fund, and shall be applied to the maintenance of the Local Police under such orders as the Governor in Council may pass.

8. Any person who shall on any pretext demand, collect, or receive any fee, contribution or allowance, as being due and payable on account of the maintenance of the Local Police, except such as are expressly provided for by this Act, shall on conviction before a Magistrate be liable to imprisonment with or without hard labour for six months, and to fine not exceeding twice the amount unlawfully levied, and such fine shall be paid into the Local Police Fund.

9. This Act shall only take effect in such districts, or parts of districts, within the Madras Presidency, as the local Government shall direct by Notification in the Fort Saint George Gazette.

DRAFT ACT.

Whereas by the immemorial usage of the country, a certain portion of the expenses of the Local Police has been paid by local fees and contributions, and whereas the present system of levying such fees has been found to be ineffective and oppressive, and whereas it is expedient to provide for such payment by the abolition of fees, and the substitution of an assessment upon lands and houses; it is enacted as follows:—

1. From and after the passing of this Act, and in all districts or parts of districts to which the same shall be extended, all fees, contributions and allowances which have hitherto been collected by the Local Police, for their support, from whatever sources they may be raised, or by whatever denomination they may be called, shall absolutely cease and determine.

2. In lieu of the payments hereinbefore abolished, it shall be lawful for the local Government to impose rates upon lands, houses and shops as follows.

3. The rate which may be imposed upon lands, shall not exceed half an Anna upon every Rupee payable to Government as the Revenue assessed upon such land; provided always, that in the case of lands held wholly or partially free from Revenue, the rate shall be calculated upon their full assessment, or where the assessment is unknown, then, upon the assessment of similar lands at the customary rates of the district.

4. The rates which may be imposed upon houses and shops shall not exceed half an Anna upon every Rupee of the gross annual rent at which the same might reasonably be expected to let from year to year.

5. All rates to be levied under this Act shall be assessed by the Collector, or by such Subordinate Revenue Officers as he may authorize in that behalf. And notice of the amount of the rate so imposed shall be served upon the person or persons liable to pay the same.

6. All appeals against any act done under the powers herein conferred, shall be preferred within one month to the Collector, or to such revenue officer as he may by special or general order delegate to decide the same; provided always, that the decision of the Collector when given originally shall be final, and that in no case shall a second appeal be allowed.

Proceedings of the Madras Government, Judicial Department,
24th July 1861.

7. All rates assessed and due under the provisions of this Act shall be collected and enforced in the same manner as arrears of ryotwary land revenue.

8. All rates collected under this Act shall be carried to an account to be called the Local Police Fund, and shall be applied to the maintenance of the Local Police under such orders as the Governor in Council may pass.

9. Any person who shall on any pretext demand, collect, or receive any fee, contribution, or allowance as being due and payable on account of the maintenance of the Local Police, except such as are expressly provided for by this Act, shall, on conviction before a Magistrate, be liable to imprisonment with or without hard labour for six months, and to fine not exceeding twice the amount unlawfully levied, and such fine shall be paid into the Local Police Fund.

10. This Act shall only take effect in such districts, or parts of districts within the Madras Presidency, as the local Government shall direct by Notification in the Fort Saint George Gazette.

No. 184. ORDER THEREON, 24th July 1861, No. 945.

To be recorded.

(Signed) T. PYCROFT,

Chief Secretary.

Ed. T. O'Connor.

N^o 659

Office of the Inspector General
of M Police

Vizianagaram 10 May 1861.

From

W. Robinson Esquire
Inspector General
of M Police

To

T. Dyce Esquire
Chief Secretary
to Government

Sir,

Fort Saint George.

I beg to refer you to Proceedings
of Madras Government (Revenue
Department) and Order thereon
dated 17 April 1861. N^o 868 Para
7. by which the Board of Revenue
is instructed to prepare the Draft
of a Bill to enable the Government
to impose a money Cess on the payers
of Land Revenue; the produce to
be devoted to the payment of
Village Servants in the Revenue
Department; the Cess to be in
suppression of all existing fees for
that

"that object. The present Draft
 "Act will be returned to the Board,
 "and they will be requested to prepare
 "a new Draft for the purpose just
 "stated. This Draft should be
 "confined to the Revenue Depart-
 "ment only; the fees in the Police
 "Department will be dealt with
 "by the Inspector General of Municipal
 "Police."

2. With reference to the last
 clause of the above Extract I
 request the instructions of
 Government.

3. I venture to submit at
 the same time the Copy of a letter
 addressed by me to the Board
 of Revenue, under date 26 May
 1860, with the Draft of 2 Bills
 for carrying the proposals therein
 made, respectively, into effect.

4. The Draft N. II might
 become the basis of an Act to
 be prepared for carrying out
 the spirit of the Orders of
 Government above alluded to
 ing

Recd 22nd April 1861

Del. 29th August

Proc of July
 Judicial.

1861 (Departt
 From
 W. Robinson Esq
 Insp. Genl. of
 To J. Pycroft Esq
 Chief Secretary
 to Government

(Dated 10th July 1861)
 Recd 22nd July 1861
 N. 609

Enclosures Three
 Submits Copy of a
 letter addressed to the Board
 of Revenue under date 26th
 May 1860 with the draft of
 2 Bills for carrying out
 the proposals made there-
 in regarding village
 Police fees into effect
 Dist No 945-24 July 1861
 Record

1837/84