

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	983	Press
		Mis.
33-34		
Dated	3. 8. 1861	10 .

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
3rd August 1861.

No. 33. Read the following Proceedings of Government in the Revenue Department, dated 31st July 1861, No. 1,516.

Communicating the Order passed on a letter from
the Secretary to the Board of Revenue, submit-
ting the draft of an Act for the imposition of
a money cess in lieu of fees to Village Revenue
servants. (Vide Proceedings Revenue Department, dated
31st July 1861, Nos. 421—423.)

No. 34.

ORDER THEREON, 3rd August 1861, No. 983.

To be recorded.

(Signed) J. D. SIM,

Secretary to Government.

Exd. T. O'Connor.

39434

DRAFT ACT.

WHEREAS by the immemorial usage of the country certain fees in money and kind are payable by the people towards the maintenance of village offices in the Revenue and Police Departments, and whereas the collection of such fees by the Officers entitled to the same has been found difficult and objectionable, and it is therefore expedient that such fees should be abolished and a money cess, to be levied and disbursed by the State, should be substituted for the same, it is hereby enacted as follows:—

I. In all Districts or parts of Districts to which the Act shall be extended in the manner prescribed in Section XII, all fees, contributions, and allowances which have hitherto been customarily collected or demandable by Government Village Officers in the Revenue and Police Departments for their support or remuneration, from whatever sources they may be raised, or by whatever denomination they may be called, shall absolutely cease and determine, any provision or declaration in Regulation VI. of 1831 to the contrary notwithstanding.

II. In lieu of the fees, contributions, and allowances aforesaid, it shall be lawful for the Local Government to impose a money cess upon all holders of land, in any Districts, or parts of Districts, to which this Act may be extended: the proceeds of which cess shall be devoted to the payment of village Government servants in the Revenue and Police Departments.

III. The rate of cess shall be from time to time determined by Government, but shall not in any case exceed the rate of in every Rupee of land Assessment payable to Government by each land-holder. In the case of Inám lands or lands held wholly or partially free from assessment, the cess shall be levied on the full assessment which such lands would bear if they were not Inám, and such full assessment, if not already fixed and known, shall be determined by the Collector of the District under the general orders of the Board of Revenue.

IV. Zamíndáris and other permanently settled estates, tracts, or villages, shall be excepted from the operation of this Act.

V. The cess hereby established shall be levied by the Collector, or by such subordinate Revenue Officers, as he may authorize on that behalf. The amount payable by each Ryot shall be entered in his Patta, and shall be realised in the manner provided for the realization of the land Revenue in Ryotwary Districts.

VI. The proceeds of the cess hereby authorized to be levied, shall be thrown into a general fund, and shall be distributed at the discretion of the Local Government towards the remuneration of the Village Government servants in the Revenue and Police Departments.

VII. Any person who shall on any pretext demand, collect, or receive any fee, contribution, or allowance as being customarily due and payable on account of the maintenance of the Village Government servants, except as expressly provided by this Act, shall, on conviction before a Collector, Sub-Collector, Assistant, or Deputy Collector, be liable to a fine not exceeding 100 Rupees, or in default to imprisonment not exceeding six months.

VIII. Nothing contained in this Act shall be held to apply to the Village Artizans, such as the Potter, Smith and the like; and in case of any doubt, the Collector of the District, subject to the orders of the Board of Revenue, shall determine what persons come within this designation of Village Artizans exempt from the operation of this Act.

IX. Claims to the enjoyment of any portion of the cess imposed by this Act, and questions regarding liability to the same, shall not be cognizable by the Courts of Judicature, but shall be adjudicated by the Collector or Officers exercising the powers of a Collector of the District in which they may arise. It shall, however, be competent to the Collector to refer any such claim for adjudication by the Tashíldár of the Táluq in which it has arisen.

X. From every Decision, Act, or Order of a Collector under this Act, an Appeal shall lie to the Board of Revenue, provided such appeal be made within three months from and after the date of the Collector's Decision, Act, or Order.

XI. The decisions of the Board of Revenue on all Appeals under the foregoing Section shall be final and conclusive.

XII. This Act shall take effect only within such Districts or parts of Districts of the Madras Presidency, and from such dates in each of the same, as the Local Government shall direct by Notification in the "Fort Saint George Gazette."

XIII. From and after the introduction of this Act into any District, or part of District, Regulation VI of 1831 shall cease to have effect in such District, or part of District, as regards all fees, contributions, and allowances therein mentioned.



Secretary to Government.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 22nd May 1861, No. 2,629 :—

SIR,

1. I am directed by the Board of Revenue to submit the draft of an Act for the imposition of a money cess in lieu of fees to village Revenue servants which was called for in Government Proceedings, dated 17th April 1861, No. 868, Revenue Department.

2. The only observation that it occurs to the Board to make on the subject which has been so fully discussed, is that the repeal of Regulation VI. of 1831 appears now to be desirable. The enfranchisement of the village service Ináms in the Ceded Districts has been directed, and it is presumed that similar measures will be carried out elsewhere.

3. The present draft will destroy all fees in the village Revenue service, and the similar enactment for the Police rate will complete the abolition of this source of emolument in its present form, so far as village servants in the Revenue and Police Departments are concerned.

4. The emoluments have not been alienated from the office, except in part, as they will go to form a fund from whence the service shall be remunerated, but when a fixed money payment shall have been substituted for the Ináms and fees, the power of alienating the emoluments from the office will no longer be in the hands of the office-holders, while the retention of the Regulation may seem to cast a doubt on the competency of the owners of the enfranchised Ináms to dispose of the property at their freewill and pleasure.

5. It will be necessary to re-enact the Clauses vesting Collectors with authority to decide claims to succeed to these offices, as well as to control the office-holders and also those providing the appeal to the Board, but these provisions may be embodied in a brief special Act for the purpose. It may also be necessary, with reference to the ruling of the Sudder, that the whole category of village servants, menials included, the "Barabalati" in fact, are under the control of the Board and Collector by Regulation VI. of 1831, to declare that their interference will be hereafter limited to the cases of the village Government servants in the Revenue Department properly so called, other village servants having recourse to the Court of Law for the recovery of their legitimate fees.

6. The punishment provided in Section VII. for levying fees, &c., except as legalized by this Act, is the same as that proposed in the new Revenue Code for similar offences.

ORDER THEREON, 31st July 1861, No. 1,516.

1. With these Proceedings the Board of Revenue submit a draft of an Act for the levy of a money cess in lieu of the fees now paid, or payable by the people towards the remuneration of Village Officers.

2. The Board's draft is restricted to the fees in the Revenue Department as ordered by Government, the Police fees being left for separate enactment. Further consideration has, however, satisfied the Government that the better course is to levy one cess for both Revenue and Police purposes, the allotment to each Department being arranged as a matter of account under the orders of Government. By this plan there will be but one demand on the Ryot, and much labor will be saved in calculation, &c. The Inspector General of Mofussil Police concurs in this arrangement, which is in every way preferable to that before contemplated. The draft Act has been altered accordingly.

3. Zamindári Estates are excluded from the operation of this Act, and will be separately legislated for. The circumstances of such Estates vary so greatly that any other course would be difficult and inexpedient. The Inspector General of Mofussil Police will report on this subject as soon as he is in a position to submit some definite proposition.

4. The Government consider it necessary that this cess, like the fees for which it is substituted, should be excluded from the jurisdiction of the Civil Courts. Three Sections have there-

Done 11/11/81
12/12/83

fore been added to the draft providing for this, and vesting the adjudication of all claims and disputes, regarding the cess, in Collectors and the Board of Revenue.

5. The time has not yet arrived for the repeal of Regulation VI of 1831. The enfranchisement of service Ináms has only lately been commenced, and the Regulation is therefore still necessary. A Section has, however, been added to the draft providing for the repeal of that Regulation concurrently with the introduction of the new Act so far as regards emoluments other than Inám lands.

6. The Government propose to throw the cess into a general fund to meet the requirements of the Presidency, and have therefore modified Section VI of the Board's draft.

7. The penalties proposed in Clause VII of the Board's draft seem unnecessarily severe, and have been reduced to 100 Rupees and six months' imprisonment.

8. The other alterations in the draft are immaterial.

9. The only point remaining for settlement, is the maximum to be fixed for the joint cess. The Government first named $6\frac{1}{2}$ per cent., but they understand that the Inspector General of Mofussil Police considers that $12\frac{1}{2}$ per cent. should be the maximum, on the ground that this was the usual proportion of the gross produce set aside for the remuneration of village officers before the shares of Government and the Ryot were determined. Mr. Robinson is requested to state fully the grounds of this opinion, noting particularly whether part of this joint contribution was intended for other purposes or not, and whether the portion allotted for Revenue and Police service generally exceeded $6\frac{1}{2}$ per cent. of the Revenue.

10. The Government will reserve this point for further consideration, but the draft will, meanwhile, be forwarded to the Legislative Member of Council for this Presidency, in order that he may acquaint himself with the scope, &c., of the Act, and be prepared to bring it before the Legislature as soon as possible after Government determine the maximum of the cess. The Government attach great importance to the early passing of the Act, to enable them to meet, as soon as possible, the heavy expense of the village Police, and to complete the reform of the Revenue Village Establishments.

(True Extract.)



Secretary to Government.

To the Board of Revenue.

„ Inspector General of Mufasal Police.

„ Judicial Department. ✓

Exd. S. T. Augustin.

11/10/61

Public 1861 Sept 5

*1100: 07800 £ in the
1200: 85 1516.*

*Off 31st July 1861
12/105 Aug 53*

*Since 1853
of the 1853*

2:1253.

Sept 11-12

*Copy the order passed
in a letter from the Clerk
to the Board of Revenue
submitting the draft
in set for the provision
for money for the
less to village Revenue
demands.*

*N^o 983-34 August 1861.
To be recorded*

J. M. D.