ent,
M.R.O. 1—88.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 419 Press ~~Mis.~~

-88-

Dated 16.3.1883 ~~Ms~~ .

33/34

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Judicial Department,*
*18th March* 1863.

Read the following Tabular Precis of the reports made by eleven Magistrates of Districts, as to whether any attempts have been made to carry out the scheme of Village Sessions, and to repress the issue of process by the Sub-Magistrates, in trivial cases cognizable by the Village Magistracy.

| Districts. | Village Sessions. | Trivial Cases. |
|---|---|---|
| 1. Bellary..... | No attempt has been made to carry out the the arrangement suggested, as Mr. Hathaway considered the system enforced by him a more efficacious one. On joining the District, he adopted measures, by which no one could hold the responsible post of a Village Magistrate, who was unable to read, or ignorant of the Regulations which affected him. Every Sub-Magistrate furnishes a quarterly statement of cases committed to him which ought to have been disposed of by the Village Magistracy—and the offending parties are invariably fined. | The Sub-Magistrates have been warned not to take up petty cases which are cognizable by the Village Magistracy, and any neglect on their part is noticed. |
| 2. Coimbatore. | The records of the Magistrate's office show that a translation of Mr. Robinson's letter, 9th November 1860, was forwarded to all Taluq Magistrates with an order directing that Village Magistrates should settle all petty disputes, &c., once a week. A strict compliance with this does not appear to have been observed. Mr. Grant proposes to give his attention to the subject, and expresses a hope that in the Inspector General's next report a marked improvement will be found. | |
| 3. Cuddapah... | Mr. Wedderburn states that the appointment of a stated day in the week, on which the Village Magistracy should dispose of cases was not considered necessary, as it might cause delay in the hearing of cases of a trifling character, which are more likely to be disposed of without the limitation of specified dates, on which it might be inconvenient for the parties interested to attend. | Circular Orders were issued to the effect that the Village Magistracy should dispose of all petty complaints, and the Tahsildars were enjoined to see this done. |
| 4. Godavery.... | Mr. Purvis states that no attempts have been made to carry out the arrangement suggested, the same not, under existing circumstances, being considered feasible. | Every care is taken to prevent Sub-Magistrates entertaining charges of a trivial character, and such as it is competent to the heads of villages to dispose of. |
| 5. Kistna..... | Mr. Thornhill reports that as no Village Circles for Revenue and Police purposes have as yet been constituted, there has been no opportunity for organizing the Sessions of Village Moonsiffs. | No opportunity is lost of enforcing on the Taluq Magistrates the necessity of throwing as much magisterial work as possible on the Village Moonsiffs, or of encouraging the Moonsiffs within their own villages to exercise their magisterial functions freely. Every endeavor will be made to prevent the excessive issue of processes by the Native Magistracy. |

...trict for introducing

| Districts. | Village Sessions. | Trivial Cases. |
|---|---|---|
| 6. Kurnool..... | Mr. Minchin reports that no attempt has been made to carry out the suggestion for the constitution of Sessions of Village Moonsiffs, as the newly arranged villages of the District are large, and the necessity for the Moonsiffs at the head of them to meet in a neighboring village, on a particular day, for the joint transaction of magisterial business, would, he fears, be much disliked by those Officers. | Mr. Minchin has constantly impressed on the stipendiary Magistracy the duty of discouraging petty complaints, and of referring them for the decision of the Village Moonsiffs. |
| 7. Madras..... | Nothing has been done in this District to carry out the suggestion.<br><br>Mr. Cunliffe explains that he has no recollection of having seen the Order of Government on the subject, which appears to have been lost in the Deputy Magistrate's office.<br><br>In his opinion the plan is a good one for disposing of petty cases, which, if entertained at all, ought not to go beyond the village head. He is satisfied, that, unless the meeting of the quorum is made compulsory, these unpaid Magistrates will not proceed 4 or 5 miles weekly on the day fixed; and further that it will be troublesome to the Police to collect offenders and witnesses and to put up the cases. He will, however, issue orders to the Sub-Magistracy to attempt to bring about these meetings by pointing out their utility to the Village Moonsiffs, but the Sub-Magistrates will work very lukewarmly in the matter. They dislike the Moonsiffs exercising judicial authority, as tending to make them more independent, and wish all the strifes and contentions in the District, however trifling, to be brought up before themselves, as adding, as they suppose, to their authority and dignity. | Many orders have been issued from the Magistrate's office, forbidding the Sub-Magistracy to inquire into trival cases, which should properly be settled by the village authorities. |
| 8. Madura..... | ... ... ... ... ... ... ... ... ... ... | Mr. Levinge submits that the necessary steps have already been taken to prevent the issue of an excessive number of processes in petty cases in the District. |
| 9. Nellore..... | No attempt has been made for introducing the scheme, nor, Mr. Eliott remarks, does it seem desirable to give effect to such an order, till the revision of the Village Revenue establishments, the clubbing of villages, and the formation of Village Circles, now progressing, are finally carried out. | |



| Districts. | Village Sessions. | Trivial Cases. |
|---|---|---|
| 10. Tanjore..... | No steps have yet been taken in the matter. It is proposed, however, to give the plan a fair trial. | Mr. Morris admits that the excessive number of Summonses and Warrants issued in his District, is a serious evil. He attributes it, firstly, to the very exaggerated way in which the most trifling assault or trespass is entered in the written complaint, and secondly, to the general incompetence of the Firka Sub-Magistrates since November 1860; two general orders on the subject have been issued in the District Gazette, but with very little apparent good. In future, however, he intends carefully to scrutinize the Returns forwarded to him by the Superintendent of Police, and expects that a few judicious punishments may make a marked improvement. |
| 11. Vizagapatam | Mr. Carmichael states that no opportunity is lost by him of insisting that all petty cases be invariably left to the head of the village, but beyond that he has not thought proper to go. His own opinion is that Mr. Robinson's proposal is not within the law—and as both the Government and the people, and Mr. Robinson would be satisfied with the present law, if it were properly carried out each Moonsiff deciding his own village cases without interference on the part of the Taluq Sub-Magistrates; and as the proposed innovation, would, from all he can learn, be unfavorably received in the District, he has contented himself with endeavouring to work the present law in its integrity. | |

No. 88. ORDER THEREON, 18th March 1863, No. 419.

In November 1860, the Inspector General of Police brought to notice the waste of public time and inconvenience to the people at large caused by the Talook Magistrates and Sub-Magistrates entertaining trivial cases cognizable by the Village Magistracy, and in the same letter submitted a suggestion made by the Magistrate of Madura that, in the Village Circles constituted for Revenue and Police purposes, the several Village Moonsiffs should hold weekly Sessions for disposing of cases within their jurisdiction, which might be brought before them, either by the Police or by complainants, or be referred to them by the Magistrate—the Police being in attendance to arrange the business.

2. In circulating Mr. Robinson's letter, the Government desire all Magistrates to discourage the disposal of petty complaints by any higher authority than the Village Magistracy, and, in regard to the arrangement suggested by the Magistrate of Madura, observed that, although unobjectionable and likely to be attended with good effects, it could only be introduced gradually, and was not to be forced upon the people.

Proceedings, 23rd November 1860, No. 1,537.

3. In Proceedings, 6th August last, No. 1,254, the Government called upon all Magistrates to report whether any attempts have been made in their respective Districts to carry out this arrangement.

*vain made in this District for introducing*

*Proceedings of the Madras Government, Judicial Department,*
*18th March* 1863.

4. The substance of the reports, which have been received from only eleven Magistrates of Districts, is given in the Precis recorded above. Except in Madura and Coimbatore, where orders have been issued on the subject of Village Sessions, no attempts have been made in the other nine Districts to put the scheme into operation. In the Kistna and Nellore Districts, the Village Circles had not been organized at the dates of report. In the opinion of the Magistrate, the plan is not feasible in the Godavery District, and would be disliked in the Kurnool and Madras Districts by the Village Officers, and in the Vizagapatam District by the people. The Magistrate of Cuddapah thinks that the weekly Sessions would tend to delay the disposal of petty cases. In Bellary, the system adopted is to secure efficiency in the Village Magistracy by examinations, and by fining those who commit cases, which ought to be dealt with by them, for the disposal of the Sub-Magistrates. In Tanjore, it is proposed to give the measure a fair trial.

5. In all the eleven Districts, endeavours are made to prevent trivial cases from coming up before the Sub-Magistracy. His Excellency the Governor in Council relies on the Magistrates not to relax their efforts to discourage, as far as possible, resort to the Sub-Magistracy in trivial cases. The operations of the Sub-Magistrates should be carefully watched, and they should be reproved, if they are found to take up cases, which are properly adjudicable by the village authorities. They should be made to understand that their value as Magisterial Officers will be estimated, not by the number of cases which they may dispose of, but by the nature of them, and the manner in which they are dealt with.

6. The Inspector General of Police is requested to submit the annual Returns, in continuation of the Statements recorded in Proceedings, 6th August last, No. 1,254, in a comparative form, so as to enable His Excellency in Council to see whether changes for the better have taken place.

(Signed) A. J. ARBUTHNOT,
*Chief Secretary.*

Exd. T. McMootry.

No 225.

Nellore 3/
Magistrate's Office,
11th. August 1862.

From,

C. F. Elliott Esquire,
Joint. Magistrate in charge of Nellore.

To

F. Pycroft Esquire,
Chief Secretary to Government,
Fort Saint George

Sir,

With reference to the 1st Para of the Proceedings of the Madras Government Judicial Department, dated 6th instant, No 1254, calling for report as to whether any attempts have been made to carry out the arrangement suggested in paragraph 7 of the Inspector General of Police's letter of the 9th November 1860, to which reference was made in the Proceedings of Government of the 23rd idem, Para 3 in regard to the creation of a weekly Sessions among Village Magistrates for the disposal of cases coming within their cognizance, I have the honor to state that no attempt appears as yet to have been made in this District for introducing

No 39.

Bellary Magistrate's Office,
Hospet, 11th August 1862.

From,

A. Nathaway Esq^re,
Magistrate of Bellary.

To,

J. Pycroft Esq^re,
Chief Secretary to Government,
Fort Saint George.

Sir,

1. In reply to para 1 of the Proceedings of the Madras Government, (Judicial Department), No 1254 of the 6th instant, I have the honor to report, that no attempt has been made in this District to carry out the arrangement suggested in para 2 of the Inspector General's letter of the 9th November 1860 and referred to in the Proceedings of Government of the 23rd Ultimo, para 3, as I considered that the system in force by me was a more efficacious one.

2. On my joining this District, I adopted measures by which no one could hold the responsible post of Village Magistrate, who was unable to read, or ignorant of the Regulations which affected him — At every Settlement, examinations are held, and no vacancy is filled up by an unqualified person.

3. Every Sub Magistrate furnishes me quarterly, with a Statement of Cases committed to him, which ought to have been disposed of by the Village Magistrate, and the offending parties are invariably fined.

4.

Rec'd 8th September 1862. No 1254

Judl Dept, 8th September 1862.

From, The Secretary to Government,
Fort St George.

To, The Collector of Bellary.

Sir,

I am directed by the Right Honorable the Governor in Council to request that you will report for the information of Government, whether any attempt has been made in your District to carry out the arrangement suggested in para 2 of the Inspector General's letter of the 9th November 1860, and referred to in para 3 of the Proceedings of Government of the 23rd Ultimo, and if not, to state the reasons why such attempt has not been made.

I have &c
(Signed) J. Pycroft
Chief Secy
Rs 2.2.5

Bellary Collectorate Office,
The 20th September 1862.

Received and entered in the Register of Letters from Subordinate Officers.

(Signed) A. Nathaway
Collector

No 30

Montreal Magistrates Office
Saint Helen's Island 5th August 1862.

To
The Honble
B. Cauchon Esqre
Provincial Secty &c &c &c

Sir,

I have the honor to transmit to you for the information of the Governor General in Council a Return of the Prisoners confined in the Common Gaol of this District during the month of July last.

I have the honor to be
Sir
Your most obedient
humble Servant
Thos Workman
Chairman Board of Inspectors
Common Gaol Montreal

Return of Prisoners confined in the Common Gaol of the District of Montreal during the month of July 1862.

| Number of Prisoners in Gaol on the first day of the month | Number committed during the month | Number discharged during the month | Number remaining in Gaol on the last day of the month | Number of Prisoners executed during the month |
|---|---|---|---|---|
| 29 | 29 | 29 | 29 | |

Thos Workman
Chairman Board of Inspectors
Common Gaol Montreal

Montreal 5th August 1862.

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Prov. Secretary 1862 Vol. 1254

Ind. 1862 Department.
From 8th March 1862.
The Magistrate of Bellamy.
S.C. No. 419
The Chief Secretary to Government Fort St. George
Dated 11th August 1862.
Rec'd 18th
No. 39.
Rec'd 1864

Reporting that no attempt has been made in this District to carry into the arrangement alluded to in Para 3 of the Proceedings of Government of the 23rd November 1860 respecting the number of Surgeons to be employed by the Magistrates in Jail Cases.

Enclosed 217

Mr. Levinge is to be supplied a copy of the Court Proceedings of the 23rd November 1865 as has been found, but as we have not been successful in discovering the original copy received in this Office, which would bear any initials, if same signed. I am told that it was sent into the Deputy Inspector's Office, if it appears has been sent there.

3 If unpaid Magistrates will pay a day monthly for their meeting & will proceed in some cases brought before it, it is certainly desirable that they should do so, and the Plan would be a good one for disposing of these petty Cases, which should not be allowed to be entertained at all, but I am not inclined to go further than the Village Bench. If the meeting of such a Quorum is not made compulsory, I am satisfied that it will never take place, & that it will also be troublesome to the Police to collect offenders & witnesses, & to get up the Cases before it.

4 I will, however, issue the necessary orders to the Sub Magistracy, to attempt to bring about these meetings by pointing out their utility to the Village

Inmates,

8

Inmates, both the Sub Inspectors will be very particularly in the matter. They did not like the Inmates exercising Judicial authority, as tending to make them more independent, & with all the disputes & contentions in the District, however trifling, to be brought before themselves, as adding, as they supposed, to their authority & dignity.

I have the honor to be

Sir,

Your most obed. Servant

R. Hamilton

Magistrate

Lieut. Reynolds Talcherwar

D. Ward

No 55

Magistrates Office
13th August 1862

From

James Dennis Alexander Esquire
Magistrate of Pamure

To

The Honorable George E. Cartwright
Chief Secretary to Government
&c &c &c

Sir,

I have reference to the Government order of the 1st instant - No 1253, I have the honor to state that no attempt has been made to carry out the suggestion of the Magistrate of Kalutara for the constitution of Police or Village Constables, as the inhabitants of Village in the Districts are large, and the necessity for the Immediate act the head of them, to meet in a neighbouring Village, on a particular day, for the Institution of Magisterial business, would at first be much disliked by them generally.—

2. I have constantly impressed on the Headmen Magistrates the duty of discouraging petty complaints, and of referring them for the decision of the Village Committees.—

Recd 8th March 1863
Judicl 1862 Dept
No (8)

From
The Magistrate of Pamure
The Chief Secretary to Govt
No 1149

Dated 12th August 1862.
Recd 18th
No 30
No Encl
No 1623

States that orders have been issued several times, but no complaint has been accomplished against the Sub-Magistrates taking up petty cases properly falling within the province of the Village authorities.

Circ 6th August 1862 Oct 1252.

C Rutherford
A.C.J.

10/K

A Lane the honourable
Sir
Your Most Obedient Servant
James Lewis Kinchin
Magistrate

Sd R. Wilkie
Head Clerk

No. 361

Vizianagram District Magistrate's
Office at Manakapalam
the 11th August 1862

From

G. Thornhill Esqre
Magistrate of Vizianagram District

To

The Honorable J. Bycroft
Chief Secretary to Government
Fort St George

Sir,

With reference to Government order of 6th August 1862 No. 1054, forwarding a letter from the Inspector General of Police, regarding the Excessive Number of Criminal Processes issued by the Native Magistracy, and calling for information as to whether any attempts have been made to carry out the suggestions contained in Para 7 of Mr Robinson's letter of 9th November 1861

I

Rec'd Feby 1862 Petitions

Rec'd 1862 Petitioner
Name
Residence
Subject
Petitioner's request
Date
Rec'd 18 Reply dated 1862.

No. 1054 No. 35

Printing has delayed Circular by mistake not sent to Magistrates & has to be transmitted herewith

Inspr Genl of Police
Rs 8 Madras 1863. —

I have the honor to state that at no Village Circles for Revenue and Police purposes have as yet been constituted, there has been no opportunity for organizing the Coercion of Village Moonsiffs there is suggested.

2. I have no opportunity of enforcing on the Salary Magistrates the necessity of throwing as much Magisterial work as possible on the Village Moonsiffs, & of encouraging the Moonsiffs within their own Villages to exercise their Magisterial functions freely.

3. The Police is but partially introduced into this District, but every endeavour will be made

to

12

to prevent the unnecessary issue of Criminal processes by the native Magistracy.

I have the honor &c

Sir,

Your most obedt. Servant

Magistrate

Sir: Thackeray Esq.

No 143 Read a Registered Letter
From The Magistrate Pirdna
18th August 1864
Dated 13th August 1864
Reporting Disturbance
To
The Chief Secretary
to Government
Fort St George

Sir

Referring to the order of
Government Circular No 15 of 5th June
1862 directing the Collectors of Districts
to furnish this office with the names
every alteration that occurs therein
Certain to Government the place of an
Executive Number of Magistrates
in Fifty cases in the District.

I have the honor to be
Sir
Your Most Obt Servant

Magistrate

Judicial Dept
From
The Magistrate
Pirdna District
To The Chief Secretary
to Government
Fort St George
Dated 14th August
Rec'd 24th 1864

S.C. No 412

No 361

A 1668

stating in explanation of the excessive number of Criminal Proceedings that no Village Circles for Revenue & Police purposes have as yet been Constituted as the Police is but partially introduced into this District.

From 8th March 1865.

From Secretary to Govt Oct 1864

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A

No 58-

Coimbatore
Magistrate's Office
Cokeramum 9th August
1862

From
J. Grant Esqr
Magistrate of
Coimbatore

To,
Honorable T. Pycroft
Chief Secretary to Government
Fort St George

Sir,

I have the honor to acknowledge
Proceedings of Government and
their order thereon dated 6th August
1862 No 1254

2 A Reference to the Records
of this office shows that a trans-
lation of Mr Robinsons letter
dated 9th November 1860 was
forwarded to all Taluq Magistrates
with an order directing that Village
Magistrates should settle all petty
disputes &c once a week. Attest

Rec'd 12th Aug 1862 Ans 23rd Aug 1254

Ans' Dated 1862.

Compliance with the above has
no doubt not been observed,
the subject now engages my attention,
and I trust that in the Inspector
General's next Report a marked
improvement will be found.-

I have the honor to be
Sir,
Your most obedient Servant

P. Hunter
Magistrate

Cuddapah, Magistrate's Office
Cumbaleum 19th August 1862
No 25

From A. Middleton Esquire
Magistrate of Cuddapah
To The Honorable D. Eyre Scott
Chief Secretary to Government
Judicial Department
Fort Saint George

Sir,

With reference to the order of Government dated 6th August 1862 No 1254 requiring to know whether any attempt has been made to carry out the arrangement suggested in para 7 of the Superintendent's letter of 9th November 1861, I have the honor to state that Circular Order pour given to the effect that the Village Magistrates should dispose of all petty complaints, and the Peishcars were enjoined to see this done, when out on circuit, but that the appointment of a stated day in the week, on which the Village Magistrates should dispose of cases, was not considered necessary, as it might cause delay in the hearing of cases of a trifling character, which are more likely to be disposed of without the limitation of specified date, on which it might be inconvenient for the parties interested to attend.—

I have the Honor to be
Sir,
Your most Obed.t Servt

A. Middleton
Magistrate.

Ex. Collin Cuddapah 20 Aug.t

Prov. 6th Feby 63 Oct. 1254

Judicial
1862 Department
From
The Magistrate
of Coimbatore
To The Chief Secretary
to Government
Fort St. George.
Dated 19th
Rec.d 25th August 1862

No 58

No 1689

Reports that orders have been already sent directing that Village Magistrates should settle all petty disputes once a week and that in the Inspector Generals next report a marked improvement will be found.

Prov. 8th March 1863.

No 297. 17

Tanjore Magistrate's Office

Vellam 23d August 1862.

From G. Lee Morris Esquire

Actg Magistrate of Tanjore

To The Honble T. Pycroft

Chief Secretary to Government

Fort St George.-

Sir,

With reference to the Government Proceedings dated 6th August 1862, No 1254, requesting me to report as to whether in any attempts have been made in this District to carry out the arrangement suggested by Col. Robinson in para 7 of his letter of the 9th November 1861, for giving a certain day of the week for a Session of the village Munsiffs, I have the honor to state that no steps have as yet been taken in this matter.

2 The whole question of the Village Munsiffs has of late however engaged much of my attention, more especially as regards how they can be raised in

the

which

Judicial Department 1862

From

The Magistrate of Tanjore

To

The Chief Secretary to Government

Fort St George

No 1254 Dated 19th July 1862

Rec'd 23rd " "

Stating that Circulars under cover have been issued to the arrangement suggested in Paragraph 7 of the Proceedings, letter of the 9th November 1861, and stating reasons why no Village Munsiffs have as yet been appointed in the Tanjore District

For reasons within stated

Rec'd 8th March 1863

the estimation of their neighbours and be made generally useful, and the Government may therefore rely on my giving the proposed suggestion a fair trial.

3 The excessive number of summonses and warrants issued in this District is indeed a serious evil, and I attribute it, firstly, to the very exaggerated way in which the most trifling assault or trespass is stated in the written complaint, and secondly, to the general incompetence of the Tirhut Sub-Magistrates.

4 Since November 1860 two general orders on this subject have been issued in the District Gazette, and with very little apparent good. In future however, I intend carefully to scrutinize the monthly returns forwarded to me by the Superintendent of Police; and I trust that a few judicious punishments may make a marked





imprisonment—

I have the honor to be
Sir,
Your most Obedient Servant

E. Lee Morris
Officiating Magistrate

No 449

Vizagapatam Government
Agents Office 11th September 1862

From

D. F. Carmichael Esqr
Acting Agent to the Governor
Vizagapatam

To,

The Honorable T. Pycroft
Chief Secretary to Government
Fort Saint George

Sir,

In para 1 of the order of Government in the Judicial Department of 6th ultimo No 1254, all Magistrates were desired to report whether any attempts had been made in their respective Districts to carry out the arrangement proposed by the Inspector General of Hospitals & Police, to the effect that Village Munsifs should one day in the week meet as Justices in Petty Session and dispose "in their own desirable ways of all Criminal "Cases within their jurisdiction"

2. No opportunity is lost by me of insisting that all petty cases be invariably left to the Heads of the Village, but beyond that I have not thought it proper to

enquiry

which

Judicial Department
1862

Rec'd 17th September 1862 Answered.

No 449

Sir,

I have the honor to acknowledge the receipt of your letter No 449 dated 11th Instant and in reply to state that I have not thought it proper to enquire into the Village Police system in Ganjam, but I have always encouraged the Heads of Villages to settle petty disputes among their own people.

I have the honor to be
Sir
Your most obedient
Servant
D. F. Carmichael
Acting Agent

To
The Chief Secretary
to Government
Fort St George

to go. My own opinion is that Mr Robinson's proposal is not within the law, and as both Government and the people, and Mr Robinson would be satisfied with the present law, if it were properly carried out - such Courts dividing his own Village cases without interference on the part of the Taling Sub magistrate - and as the proposed innovation would, from all I can learn, be unfavorably received in the district, I have contented myself with endeavouring to work the present Law in its integrity.

I have the honor to be
Sir
Your most Obedient Servant

D Hamilton

Acting Agent to the Governor

D. Griffin
A.A.G. Clerk

Godavery Dist Dated
Magistrate's Office
Rajahmundry
3rd October 1862

No. 358

2 Enam

From

F. Powis Esqre
Magistrate of the
Godavery District

To,

The Honorable T. Pycroft
Chief Secretary to Government
Fort Saint George

Sir,

With reference to the
order of Government of the
6th August last No. 1254 I have
the honor to state that no attempts
have been made in this
District to carry out the arrange-
ment suggested in Para 7 of the
Inspector General's letter of
the 9th November 1860 therein referred
to, the same not under such
-ing circumstances, being con
-sidered feasible.

Every

which

Rec'd Oct 15th

Judicial Department

From

The Acting Agent to the Governor
Vizagapatam

No 419

To The Chief Secretary
to Government
Fort St. George

Dated Vizagapatam
the 8th October 1862

Received 10th Do

Judicial

Submitted for the consideration
of His Excellency the Governor in Council
that the Magistrate of Godavery
has not complied with the
orders contained in Para 7
of the Inspector General's
letter of the 9th November 1860
Vizagapatam 8th October 1862

F. Powis Esqre
Magistrate
Godavery

Recd 15th October 1862

Submitted
W. C.

2 Every care is taken to
prevent Sub Magistrates enter
-taining charges of a trivial
character and such as it is
competent to the Heads of
Villages to dispose of.

I have the honor to be
Sir
Your most obedient Servant
A Parant
Magistrate

Ex^d C. Dentith Chellam
Cl Mc

27/1

which

Judicial Department. 2/1

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following tabular precis of the reports made by 11 Magistrates of Districts, as to whether any attempts have been made to carry out the scheme of Village Sessions, & to repress the issue of process by the Sub-Magistrates, in trivial cases cognizable by the Village Magistracy.

| Districts. | Village Sessions. | Trivial Cases. |
|---|---|---|
| 1. Bellary | No attempt has been made to carry out the arrangement suggested, as Mr. Hathaway considered the system enforced by him a more efficacious one. On joining the district, he adopted measures, by which no one could hold the responsible post of a Village Magistrate, who was unable to read, or ignorant of the Regulations which | The Sub-Magistrates have been warned not to take up petty cases which are cognizable by the Village Magistracy, & any neglect on their part is noticed. |

Rev. 29 March 1865 – 223.
& 5 May 1865 – 49.

Bnd. 1/862 Rec'd

From The Chief Secy. to Govt.

To The Secy. to Govt. of India
Legislative Dept.

Dated 3rd Aug. Rec'd 10th Do.
Rev. 358

Enclosure
No. 2765.

Re Village Sessions

Referring to Govt. Order
Legislative Dept. dated 6th July
last, No. 1111, I have the
honor to submit herewith
Returns called for in the
accompanying Govt. Order
No. 1111 in which the
Reports of the Collectors
of Bellary, Kurnool, Cuddapah
& Chingleput, called for
by the Government
are forwarded.

Mad. 8th March 1865.

| Districts. | Village Sessions. | Trivial cases |
|---|---|---|
| | which affected him. Every Sub-Magistrate furnishes a quarterly statement of cases + committed to him + by the Village Magistracy — & the offending parties are invariably fined. | |
| 2. Coimbatore. | The records of the Magistrate's office show that a translation of Mr. Robinson's letter of 9th Nov. '50, was forwarded to all Taluq Magistrates with an Order directing that Village Magistrates should settle all petty disputes, &c., once a week. A strict compliance with this does not appear to have been observed. Mr. Grant proposes to give his attention to the subject, & expresses a hope that in the Inspector Genl's. next report a marked improvement will be found. | |
| 3. Cuddapah. | ~~Mr. Wedderburn states that Circular Orders were issued to the effect that the Village Magistracy should dispose~~ | |



| Districts. | Village Sessions. | Trivial cases. |
|---|---|---|
| 3. Cuddapah. | Mr. Wedderburn states that the appointment of a stated day in the week, on which the Village Magistracy should dispose of cases was not considered necessary, as it might cause delay in the hearing of cases of a trifling character, which are more likely to be disposed of without the limitation of specified dates on which it might be inconvenient for the parties interested to attend. | Circular orders were issued to the effect that the Village Magistracy should dispose of all petty complaints, & the Sahibdars were enjoined to see this done. |
| 4. Godavery. | Mr. Purvis states that no attempts have been made to carry out the arrangement suggested — the same not, under existing circumstances, being considered feasible. | Every care is taken to prevent Sub-Magistrates entertaining charges of a trivial character, & such as it is competent to the Heads of Villages to dispose of. |
| 5. Kistna. | Mr. Thornhill reports that as no village Circles for Revenue & Police purposes have as yet been constituted, there has been no opportunity for organising | No opportunity is lost of enforcing on the Taluq Magistrates the necessity of throwing as much magisterial work |

| Districts. | Village Sessions. | Trivial Cases. |
|---|---|---|
| | organising the Sessions of Village Moonsiffs. | work as possible on the Village Moonsiffs, or of encouraging the Moonsiffs within their own villages to exercise their Magisterial functions freely. Every endeavor will be made to prevent the excessive issue of processes by the Native Magistracy. |
| 6. Kurnool. | Mr. Minchin reports that no attempt has been made to carry out the suggestion for the constitution of Sessions of Village Moonsiffs, as the newly arranged villages of the district are large, & the necessity for the Moonsiffs at the head of them to meet in a neighboring village, on a particular day, for the joint transaction of magisterial business, would, he fears be much disliked by those officers. | Mr. Minchin has constantly impressed on the Stipendiary Magistracy the duty of discouraging petty complaints, & of referring them for the decision of the Village Moonsiffs. |



| Districts. | Village Sessions. | Trivial Cases. |
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| 7. Madras. | Nothing has been done in this District to carry out the suggestion. Mr Cunliffe explains that he has no recollection of having seen the order of Govt. on the subject, which appears to have been lost in the Deputy Magistrate's office. In his opinion the plan is a good one for disposing of petty cases, which, if entertained at all, ought not to go beyond the village head. He is satisfied that unless the meeting of the quorum is made compulsory, these unpaid Magistrates will not proceed 4 or 5 miles weekly on the day fixed — a further that it will be troublesome to the Police to collect offenders & witnesses, & to put up the cases. He will, however, issue orders to the Sub-Magistracy to attempt to bring about these | Many Orders have been issued from the Magistrate's office, forbidding the Sub-Magistracy to inquire into trivial cases, which should properly be settled by the Village authorities. |

| Districts | Village Sessions | Trivial Cases. |
|---|---|---|
| | these meetings by pointing out their utility to the Village Moonsiffs, but the Sub-Magistrates will work very likewarmly in the matter. They dislike the Moonsiffs exercising judicial authority, as tending to make them more independent, & wish all the strifes & contentions in the district, however trifling, to be brought up before themselves, as adding, as they suppose, to their authority & dignity. | |
| 8. Madura. | | Mr. Lavinge submits that the necessary steps have already been taken to prevent the issue of an excessive number of processes in petty cases in the district. |
| 9. Nellore | No attempt has been made for introducing the scheme, nor, Mr. Elliott | |

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| Districts | Village Sessions. | Trivial Cases. 26/1 |
|---|---|---|
| | Mr. Elliott remarks, does it seem desirable to give effect to such an order, till the revision of the Village Revenue establishments, the clubbing of Villages, & the formation of Village Circles, now progressing, are finally carried out. | |
| 9. Tanjore. | No steps have yet been taken in the matter. It is proposed, however, to give the plan a fair trial. | Mr. Morris admits that the excessive number of summonses and warrants issued in his district, is a serious evil. He attributes it, firstly, to the very exaggerated way in which the most trifling assault or trespass is entered in the written complaint, & secondly, to the general incompetence |

| Districts | Village Sessions. | Trivial Cases |
|---|---|---|
| | | incompetence of the Firka Sub-Magistrate Since Nov.'60, two general orders on the subject have been issued in the District Gazette, but with very little apparent good In future, however, he intends carefully to scrutinize the returns forwarded to him by the Supt.dt. of Police, & expects that a few judicious punishments may make a marked improvement. |
| 11. Viragapatam. | Mr. Carmichael states that no opportunity is lost by him of insisting that all | |

| Districts. | Village Sessions. | Trivial Cases. |
|---|---|---|
| s. | all petty cases be invariably left to the Head of the Village, but beyond that he has not thought proper to go. His own opinion is that Mr. Robinson's proposal is not within the law — & as both the Govt. & the people, & Mr. Robinson would be satisfied with the present law, if it were properly carried out — each Munsif deciding his own Village cases without interference on the part of the Taluq Sub-Magistrates — & as the proposed innovation, would, from all he can learn, be | |

| Districts. | Village Sessions. | Trivial Cases |
|---|---|---|
| | be unfavorably received in the district, he has contented himself with endeavoring to work the present law in its integrity. | |

Order – 18 March 1863 No 419.

In Nov. '60, the Inspector Genl. of Police brought to notice the waste of public time & inconvenience to the people at large caused by the Taluk Magistrates & Sub-Magistrates



Sub-Magistrates entertaining trivial cases cognizable by the Village Magistracy, & in the same letter submitted a suggestion made by the Magistrates of Madura that in the Village Circles constituted for Revenue & Police purposes, the several Village Moonsiffs should hold weekly Sessions for disposing of cases within their jurisdiction, as which might be so brought before them either by the Police or by complainants, or be referred to them by the Magistrate the Police being in attendance to arrange the business.

2.

Pros: 23rd Nov. '60.
No. 1537.

2. In circulating Mr. Robinson's letter, the Govt. desired all Magistrates to discourage the disposal of petty complaints by any higher authority than the Village Magistracy, & in regard to the arrangement suggested by the Magistrate of Madura, observed that, altho' unobjectionable and likely to be attended with good effects, it could only be introduced gradually, & was not to be forced upon the people.

3. In Pros: 6th Aug. last No. 1,254, the Govt. called upon all Magistrates to report whether any attempts have been made in their respective districts to carry out this arrangement.

4. The substance of the reports, which have been received from only eleven Magistrates of districts, is given in the Precis recorded above. Except in Madura and Coimbatore, where orders have been issued on the subject of Village Sessions, no attempts have been made in the other nine districts to put the

the scheme into operations. In the Kistna & Nellore districts, the village circles had not been organised at the dates of report. In the opinion of the Magistrate of ~~three~~ ~~districts~~, the plan is not feasible in the Godavery district, & would be disliked in the Kurnool and Madras districts by the Village officers, & in the Viragapatam district by the people. The Magistrate of Cuddapah thinks that the weekly Sessions would tends to delay the disposal of petty cases. In Bellary, the system adopted



adopted is to secure efficiency in the Village Magistracy by examinations, & by fining those who commit cases which ought to be dealt with by them, for the disposal of the Sub-Magistrates. In Tanjore, it is proposed to give the measure a fair trial.

5. In all the eleven districts, endeavors are made to prevent trivial cases from coming up before the Sub~~ordinate~~ Magistracy. H. E. the Governor in Council relies on the Magistrates not to relax their efforts to discourage, as far as possible

possible, resort to the Sub-Magistracy in trivial cases. The operations of the Sub-Magistrates should be carefully watched, & they should be ~~punished~~ reprimanded, if they are found to take up cases, which are properly adjudicable by the village authorities. They should be made to understand that their value as Magisterial officers will be estimated, not by the number of cases which they may dispose of, but by the nature of them, & the manner in which they



they are dealt with.

6. The Inspector Genl. of Police is requested to submit the annual returns, in continuation of ~~the~~ ~~Statements~~ recorded in Pros: 6th Augt. last No: 1254, in a comparative form, so as to enable H. M. in Council to see whether changes for the better have taken place.

By Order,

W. C. Bird
Secy.

The Magistrate of
Inspector Genl. of Police.

65

31 Augt 65

Pro: Year

Judicial 1863 Sept 16

N° 249.

Proceedings of Govt

~~F.R. 1098.~~

5/18 Board's Ltr 3.

Instructing all Magistrates to discourage as far as possible, resort to the Sub-Magistracy in trivial Cases adjudicable by the Village Authorities and Calling upon the Inspector ~~Genl~~ of Police to submit the annual Returns in a Comparative form of Criminal Process executed by the Police.

88

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