

Judicial ¹⁸⁸³
(~~193~~) Department.

P. S. SERIES.

G.O. No. 768

DATED 16 - 3 - 1883

Confidential

[Despatch Abstract.]

Judicial Establishment

BACK PAPERS.

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

FURTHER PAPERS.

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

16TH MARCH 1883, No. 768, JUDICIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

Read—Extract of letter from D. M. BARBOUR, Esq., Secretary to the Government of India, Department of Finance and Commerce, to the Chief Secretary to the Government of Madras, dated Calcutta, 30th January 1883, No. 537, recorded in G.O., No. 251, dated 9th February 1883, Financial.

12. Turning to the proposals made in your letter, No. 299, dated 24th April 1882, on the subject of the Subordinate Judicial Establishments, I am to say that the Government of India has no doubt that the increase suggested in the number of Munsifs is really required. Effect may be given to the proposals made under this head whenever the Madras Government thinks fit. The revision of the pay of Munsifs and Subordinate Judges is not a matter of such pressing urgency, but when funds are available the Government of India would accept the following scale of pay as suitable:—

	No.	Pay. RS.	Annual Cost. RS.
<i>Sub-Judges—</i>			
First Grade	3	800	28,800
Second Grade	4	600	28,800
Third Grade	7	500	42,000
<i>Munsifs—</i>			
First Grade	38	400	1,82,400
Second Grade	37	300	1,33,200
Third Grade	34	250	1,02,000
Fourth Grade	13	200	31,200
Total			5,48,400

If to this be added the cost of establishment for eleven new Munsifs' Courts (at Rs. 192 each = Rs. 25,344), the total annual charge will be Rs. 5,73,744, or Rs. 1,95,744 per annum over the cost of the present establishments. I am to explain that it is thought desirable to extend to the Madras Subordinate Judicial Service the scheme of grade distribution adopted after full consideration for other Provinces. Hence the difference in distribution and cost between the scale given above and that proposed by the Madras High Court.

13. In connection with this matter of District Judicial Establishments, I am to invite special attention to the correspondence ending with Home Department letter, No. 1818, dated the 21st December 1882, and to request that the question of the distribution of the superior judicial staff, the mode of utilising Assistant Judges, and the general revision of the judicial arrangements in the interior, may engage the early attention of the Government of Madras.

ORDER—dated 16th March 1883, No. 768, Judicial.

Paragraphs 12 and 13 of the letter from the Secretary to the Government of India, quoted in the above G.O., will be communicated to the President and Members of the Committee appointed by Government to consider the revision of the Judicial establishments of this Presidency.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Honorable D. F. Carmichael.

To "E. F. Webster, Esq." Sir Charles Turner, Chief Justice, with covering letter.

„ P. P. Hutchins, Esq.

„ Mr. A. L. V. Ramana Puntulu.

„ J. D. Rees, Esq.

Govt. of 1883 Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 16th March 1883, No. 768.

MARCH.

Judicial Establishments.

Communicating extract from a letter from the Government of India on the subject of the District Judicial Establishments to the Committee appointed to consider the revision of the — of this Presidency.

9TH FEBRUARY 1883, No. 251, FINANCIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following paper:—

From D. M. BARBOUR, Esq., Secretary to the Government of India, Department of Finance and Commerce, to the Chief Secretary to the Government of Madras, dated Calcutta, 30th January 1883, No. 537.

The Government of India have, for some time past, had under their consideration various proposals submitted by the Government of Madras involving heavy additional expenditure of a permanent kind for which no provision has been made in the estimates of the year. The most important of these proposals, with the additional cost involved in each case, may be shown as follows:—

	RS.
(a) From Madras Government, No. 185-A, of 24th March 1882.	
(b) From Madras Government, No. 521, dated 19th May 1882.	
(c) From Madras Government, No. 342, dated 27th April 1882.	
(d) From Madras Government, No. 299, dated 29th April 1882.	
(e) From Madras Government, No. 434, dated 8th June 1882.	
(a) Improvement of the Provincial administration (including increase in the strength of the Board of Revenue), creation of new districts, &c.	4,93,000
(b) Revision of the subordinate executive staff	1,00,000
(c) Re-organisation of taluk establishments	2,94,000
(d) Improvements in Subordinate Judicial Service	1,77,000
(e) New Survey Party	1,27,000

2. Besides this, the Madras Government have urged (f) that the sum of Rs. 5,67,000, transferred (under the orders of this Department, No. 3601, of the 7th September last) to Imperial account, should be replaced at the credit of Provincial Funds; (g) that the sum of Rs. 2,03,000, charged to the local Government on account of extra census expenditure, should be foregone; and further (h) that an additional annual sum of Rs. 2,26,000 on account of Municipal contributions to Police, remitted, as is represented, under the orders of the Government of India, might be assigned to Provincial Funds. The question of appointing an extra temporary Fifth Judge in the Madras High Court and various other proposals involving increased expenditure have also, in some shape or other, come before the Government of India, and it has become necessary for the Governor-General in Council to deal comprehensively with the whole financial issue raised by the demands of the local Government, to see how far the Government of India can fairly be expected to meet those demands, and to explain the views of the Supreme Government upon the various administrative questions submitted for its approval by the Government of Madras.

3. In paragraph 5 of their letter, No. 491, dated 24th January last, the Government of India, with reference to some of these applications, promised that, "if complete proposals, prepared with due regard to economy and to the provision for similar duties in other Provinces," were submitted, they would receive prompt and liberal consideration, and would be provided for by an additional grant from

Imperial revenues, to be effected by a modification of the per-centage of land-revenue assigned for Provincial uses. This promise was, however, of course, intended to be contingent, not merely on the expressed condition that the proposals of the Government of Madras should be prepared with economy, but also on the ability of the Imperial revenues to bear additional expenditure with reference to other and pressing claims against those revenues.

4. The Governor-General in Council regrets to have to declare that, at the present time, it would be impossible to grant to any local Government such large sums of money as those mentioned in paragraphs 1 and 2 above. The Government of India has been called upon during the year to meet heavy expenditure on war, for which no provision had been made in the budget, and the financial prospects generally have been so seriously affected by the decline in the opium revenue and the recent fall in the rate of exchange between England and India as to necessitate a reconsideration of the whole position. Under these circumstances, regard to the financial position would of itself make it imperative on the Government of India to decline to sanction any additional outlay that could reasonably be avoided. But inasmuch as hopes have already been held out to the Government of Madras that assistance would be given in introducing some of the administrative reforms now contemplated by that Government, and as the Government of India have every confidence that in the hands of His Excellency the Governor of Madras no expenditure will be incurred without adequate scrutiny of its necessity and due regard to economy, the Governor-General in Council has been anxious to deal in a liberal spirit with the recommendations of the local Government, and, in order to the settlement of the terms upon which such assistance as is at present possible shall be given, it has been thought desirable that the Financial Member of the Viceroy's Council should discuss personally with the Government of Madras the various schemes and proposals under consideration. The orders and remarks which follow embody briefly the results of such personal conference and the conclusions of the Government of India upon the facts reported to them by the Hon'ble Major Baring.

5. It is at the outset necessary to explain that it would, under no circumstances, be possible for the Supreme Government to supplement the revenues of the local Government to an extent sufficient to enable them to carry out at once even those reforms in administration which are admitted to be urgently necessary. The main object of the Decentralisation Scheme is to place it within the power of the Provincial Governments to introduce, as funds become available, the improvements they desire to effect; but they must work up to this end by improving, in the first instance, the management of their finances, by enforcing a strict economy in all branches of the Provincial service, and by developing those sources of revenue that are made over to their care. The financial agreement that has recently been concluded with the Government of Madras has been framed upon a liberal basis with reference to the actuals of past expenditure, and the Governor-General in Council has little doubt that, under the able administration of the Government of Madras, the Provincial revenues will so expand, and the Provincial expenditure be so regulated, that the local Government will very shortly find itself in a position to take up and carry to completion any approved schemes of reform which it may for the present feel compelled, either temporarily or partially, to postpone.

6. The Governor-General in Council is, at the same time, willing to admit that the claims of the Madras Presidency upon the Imperial Exchequer have not in past years met with that full consideration to which they were intrinsically entitled. It would be as profitless to inquire into the causes of this, as it is impossible to estimate, with any degree of accuracy, the precise amount of inequality in the distribution of Imperial funds, of which complaint is not unfrequently made in the papers now before the Government of India. The present Government of India can only deal with the facts as they find them. In order, however, to meet to some extent the just demands of the Government of Madras, the Governor-General in Council has determined to increase the Provincial revenue by two and-a-half lakhs of rupees for the year 1883-84 and by five lakhs of rupees for 1884-85 and for each remaining year of the current Provincial contract. Arrangements (to be mentioned

below) will, at the same time, be made for improving the Provincial balances during the present year, and a separate communication will be addressed to the Madras Government regarding an increase in the Imperial grant for Minor Works of Irrigation and Navigation. With this assistance the Provincial revenues must bear whatever may eventually turn out to be the whole cost of the various administrative improvements now to be referred to. The Government of India cannot entertain any future application for increased allotments on account of any or all of them.

7. It must also be understood that none of the schemes, in respect of which approval may be expressed in this letter, can be carried into effect until the formal sanction of the Government of India and, where necessary, of the Secretary of State has been separately secured. In the present communication, it is merely intended to express, in a convenient form, the general views of the Governor-General in Council upon the proposals now before him, which it is also open to the Madras Government to modify in the light of the decision arrived at on the financial question and with reference to the suggestions of the Supreme Government.

8. (1) The most important and the most costly of the proposals for the improvement of the Madras Administration are those set forth in your letter, No. 185-A, of the 24th March 1882, and the connected correspondence. In that letter objections are taken to the suggested substitution of Commissioners of Revenue and Circuit for the existing Revenue Board, to which, on the other hand, it is proposed to add a Fourth Member; it is represented that the formation of four new Collectorates only will sufficiently meet the needs of the Presidency; it is proposed to increase the number of Sub-Collectors by two, of Head Assistants by one, and of Deputy Collectors in charge of a division by two; the grading of Collectors, suggested by the Government of India, is demurred to; the special allowances now paid to certain district officers on account of political duties performed by them are maintained; the staff of District Judges is left unaffected in numbers and undistributed by grades, save in so far as special rates of pay are proposed for some of the Judges in the heavier districts; while finally, in addition to the cost of the increased establishments contemplated and aggregating (with the increase in the strength of the Board) close upon five lakhs of rupees, a sum of four lakhs is said to be necessary on account of new buildings in the districts which it is proposed to open.

(2) All these matters have now been fully discussed by the Hon'ble Major Baring in communication with the Madras Government, and it is understood that His Excellency the Governor has them under consideration, and will eventually submit revised proposals for the consideration of the Government of India. It is only, therefore, necessary to say here that the Governor-General in Council is still decidedly of opinion that, even if it be conceded that Divisional Commissioners are not required in Madras, a thorough revision of the constitution and functions of the Board of Revenue seems to be imperatively called for. So far from any increase in its strength being desirable, the Government of India considers that, if proper arrangements are made for the despatch of business, the number of Members might very well be reduced. If the services of the Commissioner of Salt Revenue were utilised for the superintendence of other branches of miscellaneous revenue, if those of the newly-appointed Director of Revenue Settlements are fully taken advantage of, and if the supervision of the new system of Local Boards is taken over, as it should be, by the Government itself, the duty of controlling the land-revenue administration might perhaps be safely entrusted to a single high officer acting under the direction of the Government. In Madras the necessary continuity of administration ought to be amply secured by the constitution of the local Government and its Council. It is by a remodelling of the Board and of the administrative arrangements at head-quarters generally that the Madras Government will probably find the means of providing properly for the strengthening of its finances. The Governor-General in Council will not press for the abolition of the Board if the local Government desire to retain the old name; but he hopes that it may have its present procedure changed on lines somewhat similar to those suggested above. The Governor-General in Council will, with these remarks and suggestions, leave the whole subject to the further consideration of the Government of Madras.

(3) In respect of the creation of new districts, the Government of India accepts the views of the Government of Madras, that the opening of four new districts (including Anantapur) will suffice for the present. But the Governor-General in Council must again press strongly on the Government of Madras the grading of Collectors and District Judges in two grades on a pay of Rs. 2,250 for the first and Rs. 1,800 for the second grade. The number of Magistrates and Judges in each grade may be fixed in the proportion of two appointments in the higher to one in the lower grade. The pay should be made personal and not be attached to any particular district. This is the principle upon which the Civil Service is graded in every other Province, and it has received in the case of Madras the distinct approval of Her Majesty's Secretary of State. The Governor-General in Council sees little force in the argument against it based on the size of the Madras districts. In other Provinces it is found that comparatively junior officers frequently make the best administrators of the heaviest districts, and what a Covenanted Civil Servant can fairly expect is that he shall receive steady and equable promotion as his standing rises, and that his position shall be on the whole and, as far as possible, at each stage of his career, as good as that of his contemporaries in other Provinces. This can only be secured by a system of grading, and the Government of India is compelled, by a consideration of its importance on general grounds, to urge its early acceptance in Madras. Of course, in carrying out the measure, no injury will be done to the position of existing incumbents.

(4) As regards the subordinate establishments required for the new districts, the Governor-General in Council must leave the settlement of the strength of these to the local Government, and will merely express an opinion that it cannot be necessary in all cases to double establishments when dividing the work of a district. Experience seems to show that, when a large district is divided into two, an increase in the cost of establishment of about 50 per cent. in the aggregate suffices for efficiency.

9. The question of increasing the number of Sub-Collectors, Head Assistants, and Deputy Collectors on the opening of the new districts may be considered in connection with the proposals made in your letter, No. 521, of the 19th May last, regarding the subordinate executive staff of the Presidency. Taking the subject-matter of that letter by itself, I am to say that the Governor-General in Council would have no objection to the employment of a staff of fifty permanent Deputy Collectors if they are graded on the following scale:—

One	on Rs. 700 a-month.
Four	" 600 "
Eight	" 500 "
Seventeen	" 400 "
Twelve	" 300 "
Eight	" 250 "

Temporary Deputy Collectors may also be employed as necessary under the system now in force so long as present arrangements remain unaltered. The Government of India would, however, be glad to see the district officers in Madras set free entirely from the direct charge of taluks, each district being completely subdivided into groups of taluks, and each subdivision being placed in charge of an officer of the superior staff, Covenanted or Uncovenanted. It is not possible to increase the strength of the Covenanted Civil Service; but the Government of India would be prepared to sanction any increase in the number of permanent Deputy Collectors necessary to give effect to these suggestions. Temporary Deputy Collectors would then not be required.

10. As regards the grading of Tahsildars, the Government of India regret to feel bound to adhere to their previous proposals. There do not appear to be any sufficient reasons for allowing an exceptionally liberal scale of pay for officers of this class in Madras, and the prospects of promotion opened out to deserving Tahsildars by the re-organisation of the grades and the prospective increase in the number of Deputy Collectors ought to enable the local Government to secure really good men for the posts.

11. Coming now to the question of taluk establishments discussed in your letter, No. 302, dated 21st April last, I am to say that the Government of India are satisfied that reforms are urgently called for, and that an increase of strength and improvements in pay are necessary to secure efficiency in this branch of the subordinate service. The Governor-General in Council would be glad, however, if the Government of Madras would once more carefully examine the scheme submitted, and see if its cost could not be reduced. It seems *prima facie* unnecessary to fix such a high uniform rate of pay for gumastahs and peons, and the principle upon which the number of revenue inspectors has been settled for each district is not by any means clear. The Government of India would be glad of further explanation on these points and of information as to the means to be adopted for securing suitable candidates for the appointments when revised. It must, of course, be understood that promotion will only be given to men on the existing staff when they thoroughly deserve it, and the local Government should check somewhat closely at the outset all promotions and appointments made.

12. Turning to the proposals made in your letter, No. 299, dated 24th April 1882, on the subject of the Subordinate Judicial Establishments, I am to say that the Government of India has no doubt that the increase suggested in the number of Munsifs is really required. Effect may be given to the proposals made under this head whenever the Madras Government thinks fit. The revision of the pay of Munsifs and Subordinate Judges is not a matter of such pressing urgency, but when funds are available the Government of India would accept the following scale of pay as suitable:—

	No.	Pay. RS.	Annual Cost. RS.
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First Grade	3	800	28,800
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Total			5,48,400

If to this be added the cost of establishment for eleven new Munsifs' Courts (at Rs. 192 each = Rs. 25,344), the total annual charge will be Rs. 5,73,744, or Rs. 1,95,744 per annum over the cost of the present establishments. I am to explain that it is thought desirable to extend to the Madras Subordinate Judicial Service the scheme of grade distribution adopted after full consideration for other Provinces. Hence the difference in distribution and cost between the scale given above and that proposed by the Madras High Court.

13. In connection with this matter of District Judicial Establishments, I am to invite special attention to the correspondence ending with Home Department letter, No. 1818, dated the 21st December 1882, and to request that the question of the distribution of the superior judicial staff, the mode of utilising Assistant Judges, and the general revision of the judicial arrangements in the interior, may engage the early attention of the Government of Madras.

14. In the proposals regarding the new Survey party, submitted with your letter, No. 434, dated 8th June 1882, the entire cost is estimated at Rs. 10,573 a month, including those new appointments which require the sanction of the Secretary of State. The Governor-General in Council is disposed to think that the survey system now in force in Madras is unnecessarily costly, and he would be glad if the local Government, before incurring any expenditure, would consider whether some reduction of cost could not be effected in the operations of survey and settlement taken together. Thus it might be possible for the demarcating establishments of the Survey to register the classification of soils of the fields as they go along and the number and nature of the crops, subject to test and revision by the Revenue Department, or it may be found, as has been done elsewhere, that,

if the scientific survey furnishes only a block skeleton properly demarcated and measured, the Settlement Department can fill in all interior detail more cheaply and with quite sufficient accuracy for all practical purposes. The Governor-General in Council commends this matter to the careful consideration of the Madras Government.

15. It only now remains to notice the applications for financial concessions during the present year, referred to in the latter part of paragraph 2 of this letter. The Governor-General in Council cannot admit that any sufficient case has been made out for relieving the Madras Government of the cost involved in the prolongation of its census operations. He must adhere to the orders already given in respect of that matter. Nor can the Government of India admit that the Imperial Government is at all bound to make good to the Government of Madras, either in future or for the year now current, the amount sacrificed by remitting the Municipal contributions towards Police. From paragraph 5 of the Home Department letter, No. 830, of the 31st May last, it will be seen that it was never contemplated that any additional charge on this account should fall either on Provincial or Imperial revenues. It was the desire of the Government of India that Municipalities should be relieved of Police expenditure, an equivalent amount of other expenditure of a suitable character being transferred to them in lieu thereof. It is understood that the Madras Government hope now to be able shortly to arrange for such a transfer of charges, but meantime the loss to Provincial revenues during the year 1882-83 is estimated at Rs. 1,45,000. This loss, taken in conjunction with the transfer to Imperial Account of the Rs. 5,67,000, referred to in your letter, No. 1532, of the 20th October last, has no doubt seriously embarrassed the Madras Government. And, on consideration of all the circumstances, the Governor-General in Council has resolved to make to the local Government a further lump grant of six and-a-half lakhs of rupees for the current year in satisfaction of all claims.

15. The Governor-General in Council trusts that, with the assistance now rendered, and with the aid of the further concessions (to be separately described) in connection with Minor Irrigation Works, the Government of Madras will be able to start successfully its revised system of Provincial finance, and to enter upon a policy of extended usefulness.

* Original papers returned; copy kept.

Copy forwarded to the Home and Revenue* and Agricultural Departments.

ORDER—dated 9th February 1883, No. 251, Financial.

The foregoing letter will be communicated *confidentially* to the Public, Revenue, and Judicial Departments of the Secretariat.

2. Clauses (1) and (2) of paragraph 8 will be taken into consideration by the Committee already dealing with the subject in the Revenue Department. The same department will also deal with paragraphs 9, 10, 11, and 14.

3. Clauses (3) and (4) of paragraph 8 will be dealt with in the Public Department.

4. Paragraphs 12 and 13 will be treated in the Judicial Department.

5. Further orders will be passed in the Financial Department

(True Extract.)

Quater
Chief Secretary.

To the Public Department. ✓

" Judicial Department. ✓

" Revenue Department, in substitution of Memorandum, No. 250, dated 5th Feb. 1883.

Exd. F. R. Bantleman.

Judicial (1883) Dept

Govt. of (1883) Madras.
FINANCIAL.

Issued

Recd. 14 Feb 1883. Encl.

G.O., 9th February 1883, No. 251.

FEBRUARY.

Decentralisation.

Communicating to the Public, Revenue and
Judicial Departments of the Secretariat, letter
from Government of India regarding the proposals
of this Government for the improvement of the
Provincial Administration of the Presidency.

Judicial

DEPARTMENT.

No. 573.

From

G.O. 9th Feb. 9th 1883. No 251.

FOR ORDERS.

With reference to paras. 12 & 13.
of the letter No 537. dtd 30th Jan 1883
from Govt India.

23/2.

This will be dealt
with perhaps by
the Committee which
the Hon. members
talked of assembling
or by Mr Hutchins
when put on special
duty. E. M.

Committee for
"Judicial" purposes for
the purpose of
of the Committee for
the purpose of

or a Committee
10/1

Confidential
Judicial Establishment

FOR ORDERS.

Page

to the Hon. Secy
Please will
1/11/1903
a/c

CHIEF SECRETARY
GOVERNMENT OF MADRAS
12 MAR 1903

fo (150) 768, '03

Judicial Dept

No 571

Govt. order. No 257. 9th February 1903

Confidential

Order 16th March 1903 No 768.

Paragraphs 12 & 13 of the letter
from the Secretary to the Govt of
India quoted in the above G.O
will be communicated to

The Hon. J. F. Carmichael Esq. }
The Hon. Sir Charles Turner Esq. }
Chief Justice withd. }
J. F. Webster Esq. }
P. B. Hutchinson Esq. }
Mr. A. V. Ramesa Esq. }
J. D. Pees Esq. }
3

The President and members of
by Government
of the Committee appointed
to consider the revision of the
desp^d 22/3
Judicial establishments of
the Presidency.

Notes for Chief Secretary

All the necessary papers
now found on the question
have been given already to

Mr. Hutchinson & the rest hearing

On the question will be sent

with the G.O. applying the Committee to the Pres.
12/3 Mr.

MA
W

Revision of Judicial
Syllabus

N
11

[Despatch.]

23

READ AGAIN Order of Government, dated

4 188 , No.

Miscellaneous.

BACK PAPER, No.

OF 1882.

FURTHER PAPER, No.

OF 1882.

ENCLOSURES.

CURRENT No.

573 - Extract

STATEMENT WITH DITTO.

ORDER, &c. OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
(not paged.)

Order
Letter
Collection

50 4/10
17/3

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

PRESS.

<i>Just.</i> DEPARTMENT. G.O. DATED <i>16th March 1883.</i> No. <i>768.</i>

First copy sent to Press. *16/3/83*

Returned for signature.

Despatched in print. *22/3*

[Despatch Abstract.]

Just. Establishments Young:
 extract from a letter from
 the *by* I on the subject of
 the *Dr. Just. hotel to*, to the
 committee appointed to consider
 the revision of the ———
 of this Presidency.