

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 2443.

Dated 26th Nov 1895.

INDEXED.

[Despatch Abstract.]

VILLAGE ESTABLISHMENTS.

Communicating to the Collector of Nilgiris Revenue Department Proceedings regarding further revision of the-- , with the request that a draft addition to the rule prescribed in G.O., dated 28th. February 1893, No. 431, may be submitted to Government for approval.

and

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	889		96				

CURRENT NO. 4688

13TH SEPTEMBER 1895, No. 630, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 18th February 1895, No. 53 :—

Read—the following letter from J. D. REES, Esq., C.I.E., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 2nd March 1894, No. 83-B. :—

As the Board has in G.O., dated 23rd September 1893, No. 837, Revenue, been directed by Government to propose an uniform rate of village cess to be levied in all the districts agreeably to the provisions of the new Village Cess Act, No. IV of 1893, and as it will, I believe, proceed to fix a rate in conformity with the requirements of the village service in all the districts immediately on receipt of proposals for the revision of village establishments from the Collectors of Tanjore and Malabar, I have the honour to propose before any rate is fixed, for the sanction of the Board and Government, certain alterations and additions to the village service establishments in this district which are considered necessary to the efficient discharge of the village officers and of the district work. These proposals had been contemplated by several Collectors who preceded me and the opinions of subordinate officers had, from time to time, been collected from the year 1885. The papers were among others found in the possession of the late Sheristadar in 1892, but as the new Village Service Bill was then in the course of being passed into law and as Mr. Wolfe-Murray thought this matter should be disposed of by the permanent Collector, they remained undisposed of pending the passing of the new Act. I agree with several of my predecessors in thinking that certain changes are required in the existing scale and arrangement of village service establishments in this district and the proposals now made represent, I think, the minimum of such change, taking into account the requirements of the village service and the funds that can be counted upon for expenditure.

2. In the proposals made by him in 1884 and sanctioned by Government, Mr. W. Wilson, the then Director of Revenue Settlement and Agriculture, was hampered by the restriction that the assets of each individual village only should be applied to the requirements of that village and favoured the policy of appointing a number of sub-monigars on a nominal pay of Re. 1 each to represent the several tribes on the hills out of respect for their former tenure of those offices. Mr. Wilson then wrote as follows: "In all cases the cess imposed will be expended in the village in which it is raised. The assets of each nad are, as far as possible, applied to the payment of the establishment of the nad only. Nineteen toda sub-monigars have been provided for villages where such officers now exist. Their pay is fixed at Re. 1 a month in all villages except Ootacamund, where the salary is fixed at Rs. 2. I was inclined to think Re. 1 too low and suggested that the pay of a sub-monigar should not be lower than the minimum for a tandalgar, viz., Rs. 2, but Mr. Brandt thinks that a rupee will be ample, as the appointment is more honorary than anything else." The opening words of the last quotation have been thus corrected by Mr. Brandt, the then Collector of Nilgiris: "There is a slight mistake in paragraph 9 of Mr. Wilson's letter. For "nineteen toda sub-monigars" read "three toda sub-monigars and sixteen sub-monigars for Lingayets, different sub-divisions of Badagas and Kotors."

The restriction above mentioned as regards the application of the funds has been removed by the new Village Cess Act and the sub-monigars representing the hill tribes are found to be doing no work, and there is a consensus of opinion to the effect that their reduction should be recommended.

3. Assuming that the rates of village cess in this district will remain unchanged under the new Act and that the village cess of Rs. 7,195 of fasli 1302 of this district will be supplemented by a like contribution from Government, the total assets will amount to Rs. 14,390. Making all reasonable allowance for deficits in some districts, which under the law will have to be made good from surpluses in others, the assets available for this district may fairly be estimated at Rs. 10,000 and my present proposals involve an expenditure within this amount, a small margin being left for other purposes connected with the village service, such as office contingencies and stationery for village munsifs, construction of chavadies, &c., in future years, printing forms, municipal assessments on buildings occupied by village officers and the like.

4. The present and the proposed grouping of villages and scale of the establishments, together with the financial effect of the proposed alterations and additions, are exhibited in the statement herewith submitted, with full explanations and reasons for the changes proposed, beyond which little has to be said. All circumstances considered, the proposed arrangement seems to be one most equitable to the village officers concerned and most conducive to the efficient carrying on of village officers' duties.

5. Regarding the scale of village munsifs, however, some remarks seem to be necessary. Mr. Wilson wrote in 1884 that a munsif-monigar and a tandalgars had been provided for every village on the plateau, and this arrangement was approved by Government and continues to be in force to this day, the revenue monigars being expected to do munsif's work. But, as a matter of fact, only 9 (nine) out of 36 monigars perform the duties of munsifs, the reason being that the others are unable to read and write. The quality of the work turned out by the monigar-munsifs who exercise their munsif's powers has been characterised by the late Sub-Judge, Ootacamund, as being nothing like what he should call satisfactory. Suits are most numerous in the villages of Ooty, Coonoor, Kotagiri and Gúdálúr, and in the other villages they are comparatively rare; and the late Sub-Judge, Mr. Clarke, recommended for the first three villages separate munsifs, apart from the monigars on a pay of Rs. 20, 15 and 12, respectively, and suggested that the other villages might be grouped and separate munsifs appointed for each group, on pay ranging from Rs. 7 to Rs. 10. The suggestion is a good one, but the probable assets of the district for village service expenditure are not sufficient to allow of its adoption. It is therefore proposed that Ootacamund, Coonoor and Gúdálúr may be provided with separate village munsifs on pay of Rs. 15, 15 and 12, respectively, and certain adjacent villages grouped with each of these; and that the remaining villages may be clubbed together into groups convenient both to the munsifs and the parties and courts established in them under the presidency of the most competent monigar in each group. Such monigars have in this scheme been afforded additional aid by the appointment of sub-monigars to assist them in collecting revenue and in other ordinary revenue work, and with this help they should be able to efficiently deal with civil suits coming before them which are not considerable either in number, nor intricate in character. The proposed scale of village munsifs with the requisite particulars is given in the statement herewith submitted.

6. In constituting groups for village munsif's work, the rules prescribed in G.O., dated 10th February 1884, No. 1372, Revenue, have not been overlooked, but I understand those rules as applying to the formation of villages which are the units of revenue administration, so that each village so formed may have a single communal character and may be taken as a convenient final sub-division of a district for revenue purposes, and not to the union of a number of villages already formed for the purpose of fixing the jurisdiction for civil suits. If the rules do not allow of this construction, no two villages in this district can conveniently be formed into a group as village sites are never within a distance of $1\frac{1}{2}$ miles of each other and the existing state of things will continue without remedy and villages having illiterate monigars will, as now, have no courts, and the suits arising in them will have to be taken to the Sub-Court at Ootacamund and to the District Munsif's Court at Gúdálúr, and the inconvenience to parties having to travel long distances for petty concerns will continue to be considerable. Further, while the munsif's work that now falls on the monigars of Ootacamund, Coonoor and Gúdálúr keeps them fully engaged to the detriment of revenue work, the proposed separate monigars will find the work insufficient for them, unless some adjacent villages are added on to their jurisdiction. All these

circumstances being duly considered, I am of opinion that the rules laid down in G.O., dated 10th December 1884, No. 1372, cannot conveniently be made applicable to this district and that the arrangement now proposed is the only one suitable to the circumstances of the Nilgiris,—a district consisting of a few large villages paying a small revenue and in most respects unlike those which the Board of Revenue has necessarily to have chiefly in its mind in framing general rules for the Presidency.

7. In this connection I beg to submit that due regard being had to the requirements contained in paragraph 2 of Board's Proceedings, dated 6th November 1893, No. 638, the construction of five village chavadies—two in the Coonoor and two in the Ootacamund division and one in Gúdálúr—is very necessary in order to the provision of a place in which village officers can conduct their business in conformity with the existing rules and instructions contained in the Village Manual and in which revenue officers may hold revenue enquiries during tours. The inconvenience felt for want of such chavadies has been urged by the Head Assistant Collector and by the Deputy Tahsildars, and I fully agree with them in thinking that chavadies in places now recommended are absolutely necessary, although in other villages their construction may be put off for future consideration. The Deputy Tahsildars of Coonoor and Gúdálúr have submitted regular estimates for the cost of the chavadies in their respective divisions which have been scrutinized and corrected by the Executive Engineer, Coimbatore division, and the Deputy Tahsildar of Ooty division has

	Rs.	
1 chavadi at Kilkotagiri, Coonoor division	255	been directed to furnish regular estimates in lieu of the rough estimates now submitted by him which have not been passed by the Executive Engineer. The cost estimated by him, however, seems reasonable and can be accepted for the present. The cost of all the chavadies together is shown in the margin with particulars. Copies in duplicate of the estimates furnished by the Deputy Tahsildars of Coonoor and Gúdálúr and corrected by the Executive Engineer are
1 " at Kenthola, Coonoor division	255	
1 " at Bikkatti, Ooty division	350	
1 " at Thuner, Ooty division	280	
1 " at the junction of Eroonad, Munanad and Cheringodi desams.	440	
Total	1,580	herewith submitted and estimates for the chavadies in the Ooty division will be submitted immediately on receipt.

herewith submitted and estimates for the chavadies in the Ooty division will be submitted immediately on receipt.

8. The total cost of the present proposals amounts annually to Rs. 9,588 as shown at the end of the statement submitted, viz., for village karnam establishment:—

	Rs.
Monigars, sub-monigars, karnams and tandalgars	8,904
For additional village munsifs	684

To this sum must be added Rs. 1,580 for the construction of chavadies.

Should the Board find it necessary to reject any portion of this scheme and be able to approve it generally, I would first sacrifice the chavadies, as the extra men and the extra pay are more wanted than the proposed buildings in which they may, no doubt the more efficiently and conveniently, perform their duties.

Read—the following letter from J. D. REES, Esq., C.I.E., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 3rd April 1894, No. 124-B:—

In continuation of this office letter No. 83 (Board's), dated 2nd ultimo, I have the honour to forward herewith estimates as per margin for Rs. 280 for constructing one of the chavadies in the Ootacamund division.

2. The above estimates have been prepared by the District Board Engineer, Nilgiris, and verified by the Executive Engineer, Coimbatore division.

3. The estimate for constructing another chavadi in the Ootacamund division will be sent as soon as it is received from the Deputy Tahsildar duly countersigned by the Executive Engineer, Coimbatore division.

Reference on the above, dated 21st April 1894.

In view of the general inefficiency of the village-headmen in the district to exercise civil functions, the Collector proposes to form groups of monigar-munsifs' charges and place each of the groups so formed in charge of the headman of one of the villages comprised in the group for the trial of suits under Act I of 1889 (Madras). In making this proposal, the Collector seems to have overlooked the rule prescribed by Government under section 7 of Madras Act I of 1889 and printed in Board's Proceedings, No. 143, dated 24th March 1893, which lays down that when the local jurisdiction of a village court is not conterminous with a village, the Collector shall appoint as munsif a person other than the head of a village, who resides within the jurisdiction of the village court. The Collector is requested to state whether, with reference to the above rule, he can submit modified proposals.

(Signed) L. M. WYNCH,
Secretary.

To the Collector of Nilgiris, with the proposition statement
(in original) to be returned with the reply.

Read—the following letter from J. D. REES, Esq., C.I.E., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated 7th January 1895, Ref. on Current No. 124-B. :—

In reply to reference on General Register No. 331 of 1894, and Sub. No. 1248 of 1894, I have the honour to state that the rule quoted by the Board was borne in mind by me when submitting the proposals under reference, but it could not be given effect to as the assets under the "Village service fund" in favour of this district were not expected to be sufficient to cover any additional expenditure over and above such as my proposals entailed, the then anticipated assets being only Rs. 10,000 as stated in paragraph 3 of my letter, dated 2nd March 1894, No. 83-B., the charges necessitated by the proposed changes being Rs. 9,588 a year.

2. If the rule is enforced, the most economical provision for village munsifs and their establishments will come to about Rs. 384 per annum for each of the larger groups and Rs. 324 for each of the smaller ones. There being nine groups in this district for which under the above rule separate village munsifs will have to be appointed, the total average expenditure per annum comes to about Rs. 3,000. This sum added to the expenditure according to the proposal already made, brings the total to about Rs. 12,500 per annum. The actual village service collections for the latest fasli for which figures are available, viz., fasli 1302, was Rs. 7,195, and this may be taken as a rough estimate for future years. Under the orders contained in Board's Proceedings, dated 4th September 1894, Mis. No. 4929, and in consideration of the fact that 9 pies in the rupee have been fixed as the rate of village cess to be levied in the current fasli, the assets of that fasli will amount to $\text{Rs. } 7,195 \times \frac{3}{4} \times 2 = \text{Rs. } 10,792$.

3. Any provision for establishment short of what has been described in the above paragraph will not ensure the possibility of securing efficient hands and will, in all probability, afford inducement for corruption and dishonest practices.

4. The appointment of separate village munsifs will necessitate the construction of village court-houses in each of the villages constituted as the village munsif's head-quarters, and there is no possibility of obviating this necessity.

5. The appointment of separate village munsifs will lower the position of revenue monigars who, in this district, at present derive much of their influence from their situation as village munsifs and magistrates, and revenue work will thereby

considerably suffer. These grounds apply more or less to the other two divisions, and the Head Assistant Collector further apprehends that no competent candidates for the munsif's post can at all be procured in his division, except, perhaps, for Gúdálúr.

6. In these circumstances I beg to report that the rule referred to by the Board cannot be applied to this district from a financial point of view unless assets to the extent of about Rs. 3,000 a year can be assured to the village service expenditure of this district in addition to its own resources from savings in other districts, nor can it, I think, be applied from an administrative point of view for the reasons above stated.

7. I beg to submit, herewith, a copy in duplicate of the estimate for the construction of a chavadi in the Ootacamund division scrutinized and corrected by the Executive Engineer, Coimbatore division, marked enclosures A and B, together with a sketch marked enclosure C as promised in my letter dated 3rd April 1894, No. 124-B.

8. The enclosure to the Board's Proceedings under reply, marked enclosure D, is herewith returned.

Resolution—dated 18th February 1895, No. 53.

The papers read above, which relate to the village establishments in the Nilgiri district, will be submitted for the orders of Government.

2. In the letter first read above, the Collector submitted proposals for a further revision of the village establishments, one of which was to club the existing villages into a limited number of groups so as to make them special munsifs' charges under Madras Act I of 1889, and in most cases to place the headman of one of the revenue villages comprised therein in charge of each of the groups so formed. It was thus intended to divest several of the village headmen in the district of the judicial (civil) functions which they neither understood nor performed and to assign them to the very few qualified men among them. As the proposal was opposed to the rule framed by Government under section 7 of Act I of 1889 to the effect that, when the local jurisdiction of a village court is not conterminous with a village, the Collector should appoint as the munsif of such village-court, a person other than a head of a village who resides within the jurisdiction of such court, the Collector was requested to state whether he could submit modified proposals.

3. The last letter read above is the Collector's reply. He considers that compliance with the rule above referred to should not be insisted on in respect of his district, for the reason chiefly that it involves the creation, at much extra cost, of several new offices of village munsif for which suitable candidates are not available in the district. The Board agrees with the Collector and recommends a modification of the rule so as to admit of the arrangements proposed by him being carried out. It is accordingly suggested that the rule which was finally issued with G.O., dated 28th February 1893, No. 431, Judicial, may be amended by substituting the words "Collector may appoint" for the words "Collector shall appoint" occurring in the third sentence, and by adding to the same sentence the following: "or he may appoint one of the heads of the villages constituting the group or the head of the village in which the sub-division is situated."

The final sentence would then have to run thus: "When a person other than the head of a village is appointed the Collector shall give preference, &c." It is observed that a suggestion to a similar effect was once made to Government at the instance of the Collector of Anantapur, but was not adopted when the rule was finally issued in G.O., dated 28th February 1893, No. 431, Judicial.

4. The Collector's other proposals are: (1) to reduce the number of sub-monigars representing the hill tribes who now get a rupee a month each and do no work, and to increase slightly the pay of the men to be retained; (2) to raise the pay of the tandalgars who now get generally Rs. 2 a month; (3) to revise the limits of the karnam groups; (4) to appoint special munsifs for three of the groups referred to in

paragraph 2 above in view of their importance; and (5) to increase the pay of the headmen selected as the munsifs of the newly-constituted groups and provide them with additional assistance. The several proposals which are detailed in the tabular statement accompanying these Proceedings and which involve an addition of Rs. 1,459 per annum to the present sanctioned cost of Rs. 8,129 per annum, have the Board's approval and are submitted for the sanction of Government. Owing to the exceptional circumstances of the district, the Anantapur scale of establishments and pay now being introduced in all districts coming under revision cannot be adopted and have not therefore been proposed.

5. The Collector also proposes the construction of village chavadies in five villages at a cost of Rs. 1,570. On this point the necessary orders will be issued by the Board on receipt of the orders of Government on the Collector's other proposals.

(True Copies and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Secretary to Government, Revenue Department,
with twelve enclosures in original (to be returned).
Copy to the Collector of Nilgiris.

ORDER—dated 13th September 1895, No. 630, Revenue.

Miscellaneous.

The scheme submitted by the Collector seems generally suitable to the needs of the district and is approved with the following modifications:—

(i) The pay proposed for the monigars is generally low, being only equal to that of the tandalgars in some cases. Monigars should have at least one rupee more than the tandalgars and in no case less than Rs. 4 per mensem.

(ii) The pay of one rupee proposed for some sub-monigars is hardly enough though the office is more or less honorary; it should be raised to Rs. 2.

2. The above modifications will raise the cost of the establishments to Rs. 829 per mensem as shown in the appended statement or Rs. 30 more than in the Collector's scheme.

3. With reference to the difficulty referred to in paragraphs 2 and 3 of the Board's Proceedings a note will be added to the rule in question to the effect that it does not apply to the Nilgiri district.

(True Extract.)

Secretary to Government.

To the Board of Revenue (Land Revenue),
with twelve enclosures.

„ the Accountant-General.
„ the Judicial Department (with reference to paragraph 3).

APPENDIX.

Village.	Scale of establishment proposed by Government.				
	Pay of karnam.	Pay of monigar.	Pay of sub-monigar.	Pay of tandalgar.	Total.
Coonoor	Rs. 14	Rs. 6	Rs. ..	Rs. 4	Rs. 31
Ubathalai	..	4	..	3	..
Jagatala	..	4	..	3	..
Yadapalle	14	4	..	3	35
Barliar	..	4	2	3	21
Nadubatte	12	4	2	3	29
Kotagiri	14	7	{ 2 }	4	..
Jakkannarai	..	4	..	3	..
Konakurair	..	4	..	3	35
Kangarai	14	4	..	3	..
Denad	..	5	2	3	..
Kodanad	14	4	..	3	40
Nadugula	..	4	2	3	..
Melur	14	5	..	4	35
Hullikal	..	6	2	4	..
Attigarhatti	14	4	2	3	23
Balakola	14	5	2	3	31
Ithalur	..	4	..	3	..
Kethi	12	4	2	3	21
Total, Coonoor division ..	136	86	18	61	301
Ootacamund	{ 14 12	4	8 2	6 5	53
Nanjnad	..	..	..	3	..
Naduvattam	14	5	..	4	30
Sholur	..	4	..	3	..
Masinigudi	14	5	..	4	23
Hallatti	12	4	..	3	28
Kodanad	..	4	2	3	..
Theeneri	16	4	2	3	..
Ebanad	..	4	..	3	39
Thummanhatti	..	4	..	3	..
Kaguchi	14	4	..	3	28
Kukal	..	4	..	3	..
Kinnakorai	..	4	..	..	27
Kilkondah	12	6	..	5	..
Melkondah	..	4	..	..	..
Bikkatte	12	6	2	5	33
Mulliyur	..	4	..	..	..
Total, Ootacamund division ..	120	74	16	56	266
Mudumalai and twenty other villages	12	6	..	5	23
Gudalur	16	8	..	6	30
Padantharai and Devala	12	6	..	5	23
Oucherlony Valley	16	10	..	{ 6 }	38
Nelliylam and Nellakota	16	8	..	{ 6 }	30
Munanad and Iramad	16	{ 6 }	..	{ 5 }	38
Cherangod	12	6	..	5	23
Total, Gudalur division ..	100	56	..	49	205
Grand Total ..	356	211½	34	166	772
Add the cost of special munsifs and process-servers ..					57
					829

Exd. S. J. Pereira.

50 Copies.

Judicial Dept

CURRENT NO. 4688

Govt. of {1895} Madras

REVENUE.

To 13018.2.791-
4818.2.793-
4818.2.793-
4818.2.793-

CHIEF SECRETARY
GOVERNMENT OF MADRAS
-4 OCT. 1895

Issued

Recd.

Regd 5-10-95

Encl.

G.O., 13th September 1895, No. 630.

SEPTEMBER.

Village Establishments.

Approving, subject to certain modifications, the scheme for a further revision of the — in the Nilgiris and stating that the rule framed under section 7 of Act I of 1889 does not apply to the Nilgiri district.

4818.2.793-
13018.2.791-
11818.2.790-

C.
Dated 26 Nov 1895 No 2443
M.

Comd. W. the Colls. of Nilgiris
with the request that a
draft addition to the rule pres-
cribed in S.O. 28. Feb. 93. No
431. may be subd. to Govt.
for consideration approval
under Sec. 7 of Madras Act
I of 1889.
W. 15-95

It is not enough merely to say
that the rule approved in S.O.
28. Feb. 93. No 431. does not
apply to the Nilgiris. It is
necessary to say what rule
applies to that S. regarding
such matters. It is therefore
proposed to ask the Colls. to
submit a draft rule. If this
is not done the Nilgiris Collectors
11/11/95. will have no rule under the Act
regarding him in appointing messengers (Sec. 7. of
Act I of 1889.)
To the Colls. of Nilgiris (P.C.)
This M. D. (P.C.)

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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