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MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

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B.P. No.		Mis.

Dated	2.10.1956	195
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Not to be folded or roughly handled

To The Right Honorable
the Viceroy and Governor General
of India,
Simla

The Memorial of the Committee of the
MADRAS MAHAJANA SABHA approved and
adopted at a Conference of Native
Gentlemen held at Madras under the
auspices of the Subha on the 23rd
December 1885.

HUMBLY SHEWETH,

That Your Excellency's Memorialists beg respectfully to bring to the notice of Your Excellency, the urgent necessity that has long existed for relieving revenue officers of the duty of administering criminal justice.

2. That the evils of the present system have been strongly insisted on in the numerous memorials presented to Your Excellency by the inhabitants of different parts of the Presidency; that in the language of the preamble to Regulation II of 1802 "inconvenience results from the administration of justice being vested in persons holding the situation of Collectors of the Revenue and their Covenanted and Uncovenanted subordinates owing to acts done in the one capacity coming often to be reviewed and decided on in the first instance in the other; that this state of things is fair neither to the officers administering criminal justice nor to the people; that while Judicial work is in-door work which ought to be done at stated times, punctually observed, executive work, if done well, involves constant touring on the part of the officers concerned; that neither kind of work is at present efficiently discharged; that witnesses and accused persons are put to the greatest inconvenience by having to follow the camp of a Magistrate from place to place and in most cases, the latter are practically debarred from obtaining competent legal assistance; that the present system lowers the standard of the administration of criminal justice by favouring the growth of a perfunctory habit of enquiring into and deciding cases, and giving opportunities to evil-disposed persons among the subordinate magistracy to harass and oppress the people: these are well known facts and have been generally admitted.

3. That so far as your Memorialists are able to see, the only reason assigned against the reform has been the additional cost that it is alleged it might involve.

4. That your Memorialists, therefore, now proceed to lay before Your Excellency, a few suggestions to show how the reform would not entail on the State any very material increase of expenditure.

5. That the officers at present exercising magisterial functions are:—

21 Collectors and District Magistrates.
15 Sub-Collectors and Joint Magistrates.
22 Head Assistant Collectors and Magistrates.
20 Assistant Collectors and Magistrates.
24 Deputy Collectors and Magistrates.
155 Tahsildars and Sub-Magistrates.
175 Deputy Tahsildars and Sub-Magistrates.

6. That from the statements published in the Administration Report of the High Court, your Memorialists find that magisterial work occupies about one-third of the time of Revenue officers; and they, therefore, consider that the number of officers, to be detached exclusively for the performance of magisterial duties, in the lower grades at least, may be fixed in the like proportion.

7. That before proceeding to detail their proposals, your Memorialists think that in the first place the Collector should be entirely relieved of magisterial work, as he will then and then alone, escape being swamped, as he is at present, with the multifarious duties which are more than he can be expected conscientiously to perform, and have greater time to study the wants of his District to make constant tours within his District, and acquaint himself with the feelings and wishes of the people by coming into frequent contact with them.

8. Your Memorialists think in the second place that in all important towns, Benches of Honorary Magistrates may be appointed to a much larger extent than hitherto, with powers to try summarily and dispose of all petty cases, and this measure will, to a material extent, diminish the amount of work to be done, by the paid agency without, in the least, impairing the efficiency of the work done, as there are in each of such towns, many who will compare favorably with the bulk of the men now constituting the Sub-Magistracy and who will gladly perform the services in case they are honorably confided in and frankly utilised.

9. Your Memorialists think, in the third place, that an officer of the grade of a Sub-Collector or a Head Assistant of some standing might well be appointed a District Magistrate.

10. If these preliminary steps are taken, then, the number of officers set apart respectively for magisterial and revenue duties may be somewhat as follows:—

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11. The above distribution or re-adjustment will involve in salaries paid to Revenue and magisterial officers an increase of only about 50,000 per annum.

12. The Tahsildars will, then, have to do the revenue work with the assistance of Revenue Inspectors, while the work of hearing appeals against the decision of subordinate Magistrates will be performed by the Assistant or Deputy Magistrates attached to the District, the Subordinate Magistracy doing a large part of the original criminal work of the Province.

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Madras Mahajana Sabha*

*To The Right Honorable
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Fort Saint George.*

The Memorial of the Committee of the
MADRAS MAHAJANA SABHA approved and
adopted at a Conference of Native
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auspices of the Sabha on the 23rd
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C. J. Rajagopal Rao
President of the
Madras Mahajana Sabha

No 130

THE MADRAS MAHAJANA SABHA OFFICE,
100, Mount Road,
Madras, 28th August 1886:

To The Chief Secretary to the
Government of Madras.
Cotacamund

Sir, I have the honor to send herewith half a dozen copies of the Memorial on the Separation of the Revenue from Magisterial functions approved and adopted at the 2nd Annual Conference, convened at Madras under the auspices of the Madras Mahajana Sabha and I request you will be kind enough to place them before His Excellency the Governor in Council.

I have the honor to remain,
Sir,
Your obedient servant,

C. J. Rajagopal Rao

President of the
Madras Mahajana Sabha

N-L-Q 1st Review in minute of 31
 P.M. 13-10-82: 1162 SL
 R.K. 18-3-84: 396 H
 M.C. report on Rev. Estates

Judicial T.F.O.

From
 The President of the
 Madras Mahajana Sabha
 N° 130.

27 28.8.86 }
 29 31.8.86 }

Encls. 6

Forward: 6 copies of
 a memorial on the Separation
 of Revenue from Magisterial
 functions.

Judicial DEPARTMENT.

C.No. 3287.

the President of the Madras Mahajana
 Sabha. no. 130. dated 28. august 86.

From

FOR ORDERS.

The President of the Madras Mahajana
 Sabha submits half a dozen copies of
 a memorial to His Govt. on the subject of
 the separation of the revenue from ma-
 gisterial functions.

The Mahajana Sabha seems to be suffering
 from a passion for memorial writing, but
 it is almost impossible to take the presi-
 dent's petition as a serious matter. Their proposal
 is nothing less than the entire removal
 from Revenue officers of all magisterial
 functions, & the creation of an entire staff
 of Magisterial Officers. They observe
 that the only objection against this Reform,
 of which they have heard is the additional
 cost. But they do not think that any
 very material increase of expenditure will
 be involved. They make 2 suggestions -

- (1) the more extensive employment
 in all important towns of
 unpaid magistracy -
- (2) the appointment of Sub Coll. or
 Asst. to be District Magts.

They accordingly propose the following
 staffs:

Magisterial - { 21 Districts made up of
 41 Asst. or 15 Sub Coll. & 6
 Deputy Magts. H.O. Asst.
 110 Sub Magts.

Revenue - { 21 Collectors
16 H^d asst. Coll.
25 Asst. & Dy. Coll.
155 Tahs.

This scheme - they say - will cost only about Rs. 50000 a year extra. It is, indeed, simplicity itself. It merely transfers the whole body of Sub Collectors plus 6 H^d asst^s to magisterial work - and leaves nothing to take their place on the Revenue side. In the same way - it takes away 175 Deputy Tahsildars & Sub Magts from the Revenue side & leaves their work to be done by the remaining 155 Tahsildars. It reduces the number of Sub Magts from 330 to 110. of course, enormously extending their jurisdiction, & it slightly increases the number of Deputy Magts - while depriving the Rev. side of about half the number of those officers.

So crude a scheme is not difficult to sketch - but it does not appear to be incumbent on the Govt. to deal in detail with it. The paper is submitted for orders - as to what is to be done with it. Perhaps it may be recorded with the remark that the Govt. are conscious of the importance of the subject & will consider the Sabha's suggestions when a fitting opportunity arises.

24/9.

but are not prepared to recommend to the Govt. of India any administrative changes which involve additional expenditure 7/11/25/9 CC 191

Judicial

*Report of the Madras
Sathodhaya*

FOR ORDERS.

¹³
Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

From the President of the Madras
Mahajana Sabha - no. 130. dated 28th
August 1886.

Order. 2nd Oct/86 - 264/111
Recorded.

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of the importance of the subject
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Sabha's suggestions upon a fitting
occasion, but are not prepared to
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28/10
28/10

The President, Madras Mahajana Sabha. Dec^r 2/10

C. 25/9
R. 25/9

Philip ...

264/9m
2-10-28

Frank ...