

(1) Number of pages 22
 (2) Date of repair 12.10.57
 (3) Initials of the Referee OH JP

MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.		
G.O. No.		
B.P. No.	1512	Press Mis.
Dated 29 - 7 - 189, 195		

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REVENUE DEPARTMENT.

FROM

District Magistrate
THE COLLECTOR OF

CUDDAPAH.

TO

THE *Chief Secretary*
to Government
Judicial Dept.
Madras

Dated 20th

Despatched 23rd

Received

RECEIVED
20th April 1890.
PUBLIC DEPT.

No. *208* of 1890

SUBJECT.

Referring to provisions
proposed under clause
2 Section 9 of the Village
Acts of 1882.

H.M.

Forwards.

This is the reply submitted by the
D.M. Cuddapah with ref to f.O.
No 361 dated 26.2.90.

2. The proposals seem reasonable
but it is submitted that it is
desirable before rules are
framed under of 9 11(2) of
Madras Act I. of 1882 that
the opinions of other District
Magistrates be invited. Tenjore,
Madurai & others probably are
the most litigious districts & a
reference will be made to them
by the District Magistrate.

H.M.

Very much

Very much

H.M.

H.M.

29-5

29-5

[]

Reference on No. 477 of 1890.

In replying the above should be quoted.

Judicial DEPARTMENT.



Read the following

With the view of framing
rules under clause 2 section
9 of the Madras Village Courts
Act I of 1889, the District
Magistrates of Tanjore,
Madurai and Malabar
are requested to report what
provisions they would propose
under that clause.

H.V.C.

17/9

To the D.M. Tanjore.
Madurai
Malabar

17/9/90

- members of Branches;
- (2) The number of members to be appointed to form a Branch; + nature
 - (3) The method of appointment of members.

The replies are summarized below.

4. Cuddapah

The Collector is of opinion that

- I. (a) The members of the Branch should be residents of the village concerned;
- (b) they should be freeholders or pay income-tax;
- (c) they should not be required to possess any general educational qualifications.

II. The number of members of a Branch should be not less than 5.

III. The appointment should be for 3 years, re-appointment at the end of that period being advisable. Nomination should be made in the first instance by the Tahildar or Deputy Tahildar with due regard to the position & influence of the nominees. If possible selection should not be confined

This is not quite correct. It is not the number of eligible persons to be elected as from whom the Branch is to be formed - The Branch will always consist of the village itself - & 2 persons from the list - one chosen by the village & one by the Dept. - J.H.S.

altogether on that

This is superfluous - as 9/21 lays down that those to be on the list must be "persons residing in the village". J.H.S. 16/4/11

I think this is too high for district generally. It should mean by imperial taxes. Does he mean a landholder? I should say a freeholder of Rs 10 or upwards, or holder of an amount of which the full assessment is of Rs 10 upwards, or a payee of income tax. W. 14/6/11

I prefer 25 to 60. J.H.S. 14/6/11

Very well. J.H.S. 14/6/11

I think a nomination of 5 is ample. I think 15 is rather low for a large village which may have 7 or 8 houses. In fact a town village ought to be selected, & governed by Divisional officers, subject to collector's control. list to be made once in 3 years. W. 14/6/11

Resolution & Council will require special rules. 14/6/11

I don't see how. The jurisdiction of the Courts are as fixed there as anywhere else. The only way to get a better result is to have a better selection. J.H.S. 14/6/11

to people of any particular caste or calling. The nomination should be forwarded to the collector for approval through the Divisional officer who will add their remarks if any.

Tanjore - The Collector is of the opinion that

I. The members should be residents of the village or group of villages comprising the jurisdiction.

- (b) they should be able to read & write
- (c) they should possess property in lands or houses worth Rs 500 or upwards or pay taxes. (Imperial & local) amounting to Rs 25 or upwards.
- (d) should be between 25 & 60
- (e) should be respectable, well known and not convicted of any non-bailable offence.

The number to be appointed may range from 5 to 20 according to circumstances. If no remarks are offered as to the nomination should be made.

Madurai

The members should be above 21 and below 60 and reside in their respective villages.

- (b) If land-holders, should

for each year. He then spoke
in the Court house of the Village
Museum at the beginning of
each year. The Coll. can issue
such subsidiary instructions as
he thinks proper for the preser-
vation of the list & for carry-
ing out the Rules that may be
sanctioned by Govt.

The Collector, however, observes
that in his District the for-
mation of Village Courts is a
matter of difficulty. He points out
that while the standard of qua-
lification laid to by him is re-
quired in the Coar & Taluk &
Palghat, it is too high for an-
others bordering on the State.
This difficulty, he remarks,
might be obviated by grouping
two or more divisions together,
but then, he says, will arise
the difficulty of distances from
the Court-house.

Perhaps the issue of rules may
be deferred until some other District
applies for the formation of
Branches. The number of suits filed
in Cuddalore is absolutely insignificant.
In 1887 there were only 294 suits
against 9,628 in Tanjore. Indeed
Cuddalore had fewer suits than
any District except Vizagapatnam
Agency. The Collector's application
for the formation of Branches seems
therefore somewhat premature.

29 May.

It does not seem to be of much use having a
Village Court Act if no attempt is made
to start working it. It is now more than

two years since Act I of 1883 was passed.
It seems doubtful that the Cuddalore would
be a good District in which to ^{begin} the
experiment of Village Courts. There seems however
no reason why trial should not be made
in Tanjore & Madurai & Malabar all of which
are large Districts. South Arcot, the Kistna
and Madras might be added. If it is
decided to try Village Courts in all or any
of these Districts a draft set of Rules will
be drawn up and submitted for approval.
The lines indicated by Mr. Shannon appear
to be good.

3 June.

Recirculated to the Hon. Mr.
~~Farmer~~ Stokes with reference
to the Hon. Mr. Farsten's remarks.

to
17 June.
18 June

~~to the Hon. Mr. Farsten~~
~~to the Hon. Mr. Farsten~~

to
24 June.

Recirculated to the Hon. Mr.
Farsten with reference to the
Hon. Mr. Stokes' remarks.

to
24 June 26 June.

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No. 1677 of 1890, dated 20 Apr. from Dr. Antropov.

257 f — — 257 fms — N^o. 1000

— 2903 — — 26 July — San Madura

Current No. 2197 of 1891, dated 4 May from Mr. Malabar

Order 29th July 91 N^o 1512

The Int. considers that no person should be included in the list of individuals eligible to sit as members of a Village Branch established under sec. 9 of the Village ^{instructs act, 1884} ~~instructs act, 1884~~ who does not possess the following qualifications:—

(a) he must be able to read & write the vernacular of the village;

(3). He must pay in one lump sum
a full rate for
possess Land assessed at
~~the same~~ not less than
£10 per annum on possess
free lands of which the
full assessment would
not less than the above sum

(c) x_2 must be between the ages of 25 & 60;

(d) He must be of a respectable character & solvent & must not have been convicted of any non-bailable offence.

2. The selection & removal from the list of persons eligible to be on Village Committees will be effected by the Divisional officer subject to the control of the Collector & the list will be revised once in three years.

3. It will be necessary to find a minimum & maximum in

Note Attention is invited to the
remark of A.C. the first upon
the rule that ~~was~~ ^{is} ~~there~~ ^{in the} should be
residents of the village.]

This will meet the case of such
Districts, as Holland & S. Canara
where the vernacular of the District
does not prevail throughout]

Oct
18, 1917

27/7/91

Are: L.H.E. The Gov^{rs}

The Hon. Mr. Stokes would select for the list of persons eligible to sit on a village council 1% of the ~~consequently~~ population, ~~and not to be less than 5 persons~~ ~~and not to be less than 5 persons~~ subject to a minimum & maximum of 5 & 30. On the other hand the Hon. Mr. Gerstein disapproves of the percentage system & would fix 5 persons for a village having a population not exceeding 500, 10 for villages having between 500 & 5,000 & 15 for villages having over 5,000.

Ch. 9 July
10 July

Wm. H. Hall

where a number of villages are included within the jurisdiction of any Village Court [whether] the number of eligibles from whom the Towns^{men} law of the Court are to be chosen [sh^d not be limited to one or two persons for each village -

[Faint handwritten notes at the bottom of the page]

OF 18

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despd 4/8/91 Bd of Recs thro Sec. Regls.

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ORDINARY, MS.

Journal DEPARTMENT.
G.O., DATED 29-7-91
No. 1512

INDEXED.

When given for copying

[Despatch Abstract.]

*Passing orders regarding the
appointment of members
of a Village Bench established
under Section 9 of the Village
Courts Act, 1889.*

29-7-05 ✓
12-11-07 ✓ 13/1/08 ✓
12-11-09 ✓

20-4-10 ✓
20-4-11 ✓

17-4-13 ✓

15-6-10 ✓

14-7-16 ✓