

Revenue Department

No 265

Dated 2-3-1859

Fort Saint George, Revenue Consultation of 8th March 1859.

Read again Extract from the Proceedings of the Board of Revenue dated 24th December 1858, and recorded in Consultation 11th January 1859, No. 40.

No. 5. Read also the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, R. D. dated Fort Saint George; 18th January 1859, No. 195.

SIR,

In Con. 12th Jany. 1859, No. 151. With reference to Extract Minutes Consultation dated 11th January 1859, No. 40, Revenue Department, From E. Maltby Esq., Member of the Board of Revenue 2d Oct. in Con. I am directed by the Board of Revenue to forward herewith a printed copy of the dissenting Minute therein 24th Dec. 1858, A. after No. 4426. alluded to.

No. 6. ORDER THEREON, No. 265; dated 2d March 1859.

The papers here recorded have reference to the practice in the Districts in regard to the closing of the Talook Public Offices in the Revenue Department on the Sunday.

In the former of them the Board report the result of their enquiries, with the opinion of the majority of the Board; the second submits the Minute of the dissentient Member.

* Ganjam. Coimbatore.
Vizagapatam. Malabar.
Masulipatam. Madura.
Guntloor. Tinnevelly.
Salem.

2. It appears that in nine Districts* all the Talook offices are closed on the Sunday, except for emergent business; and this the Collectors state, without public inconvenience.

† Rajahmundry.
Nellore.
Canara.

In three Districts† some of the offices are closed; and in Madras where there are no native Cutcherries, the Salt Cutcherry is closed. In Tanjore a former Sub-Collector and a Head Assistant ordered the talook offices in their respective charges to be closed on Sundays; but

the order ceased to be observed in both cases when the officer who issued it left the district.

‡ Cuddapah.
Kurnool.
Chingleput.
South Arcot.
Tanjore.

The Collectors of five Districts‡ think that the measure could not be carried out there without inconvenience; the other seventeen, report that there is no inconvenience from it where tried, or anticipate none where it is yet unknown.

3. The majority of the Board urge the abolition of the measure as a universal rule. Mr. E. Maltby opposes it on the grounds that it would cause inconvenience to the public, and would excite suspicion of a design to enforce on the Natives a compliance with English religious observances.

4. The Government have given careful consideration to the question. They agree with the majority of the Board in rejecting the argument of insufficient establishments; as well as that based on the fear of exciting alarm. They observe also in reference to Mr. Maltby's Minute, that the measure is only proposed to extend to offices directly connected with the Government; and it does not seem to follow logically that it must include Village offices. With regard to the question of public inconvenience, on which Mr. Maltby mainly insists; the Governor in Council admits the force of his reasoning that the heads of the offices concerned are not safe informants. But on the other hand, he does not suppose that Mr. Maltby would require Christian officers to transact ordinary business on Sundays.

5. The Governor in Council is glad to find that so much progress has been made in the Revenue Department towards a general suspension of ordinary business in Government offices on the Sunday. He believes that what has been done in so many Districts may be done with like absence of inconvenience in others also. He accordingly sanctions the general adoption of the practice. Where the Collectors are in favor of the change, it will be made immediately; in those Districts of which the Collectors at the date of these reports were adverse, it will take place in each as soon as the Collector shall be of opinion that it may be made without inconvenience.

(Signed) J. D. BOURDILLON,
Secretary to Government.

MINUTE ON THE DRAFT ON THE OBSERVANCE OF SUNDAY.

I am unable to concur in the reply which the other Members propose to make to Government on the question of shutting Revenue and Police Offices in the Provinces on Sundays. In that reply they recommend the adoption of a course founded on the broad principle that no public business ought to be transacted on Sundays and this recommendation is expressed in the following comprehensive words:—"On every principle therefore the Board would urge as an universal rule that all public Offices under their control should be closed and that the transaction of public business, not of an emergent police nature, should cease on Sundays."

2. This rule would necessarily apply to business before Village officers, as well as to the Cutcherries of Tahsildars and other Talook servants, to Custom Houses, Salt Depôts, &c. and would thus lead to an interference with the commercial and agricultural pursuits of large communities who have no connection with Christianity and in numerous instances inhabit Districts or localities where no signs even of it exist. I do not also see how under the principle expressed by the Board, Post Offices could continue open, especially since they are shut in England. But I find no suggestion in the papers before us for relieving the servants of that Department by stopping the delivery of the letters, of the English and Native communities on Sunday, and while the Supreme Government shews by the instance of the Post Office that the circumstances of India and England are not analogous, it is a most serious step to recommend that Sunday should be proclaimed by law a dies non throughout our Provinces as respects all classes and religions, which must I conceive be done if *all* public business is to be prohibited on that day.

3. On a question of this magnitude and which would affect not Madras only but the whole empire, I should be unwilling to join in an expression of opinion without more full and matured information respecting its probable results than is to be gathered from the Reports now before us. But the Board has not been consulted on this particular point and I consider that its reply should be limited to the two questions which have been asked by Government, viz. 1st, what practice has been pursued in closing Native Cutcherries, Custom Houses, &c. on Sunday in the different Collectorates, and 2nd, whether any inconvenience would follow the closing of all such Offices.

4. The information given on the first point in the draft is founded upon the reports received from the Collectors and calls for no remark on my part. But with regard to the 2nd I cannot concur in the opinion expressed by my Colleagues that the measure "would not be productive of any serious inconvenience (to the native community) in their ordinary affairs."

5. On this part of the subject the reports made by the Collectors of those Provinces where Custom Houses and Salt Depôts have been closed appear to me generally meagre and incomplete. * These

* See more particularly the replies from Ganjam, Vizagapatam and others of a similar nature.

Officers say briefly* that no inconvenience has been experienced, but as their native subordinates who gain extra holidays without losing salary would represent the

arrangement in a favorable light, these expressions of opinion are to be cautiously received without some precise information regarding the feelings of the parties principally concerned.

6. Merchants whose vessels are detained at the small native ports and traders who come from the interior to the Depôts on the coast for Salt, and have to remain there idly with their cattle for a day must, it is evident, suffer inconvenience and this fact is made clear by the precautions taken at the Madras Sea Custom House and by passages in the Collectors' reports. For instance the Acting Collector of Madura while advocating the closing of other Sea Custom Houses, excepts Paumbem, where ships call to pay dues before passing through the channel, and cannot, he thinks, be detained. In a similar manner the Acting Collector of South Arcot states that a special consideration must be given to the Frontier Custom Houses round Pondicherry.

7. Now it is clear that the inconvenience which is foreseen in these instances and which is felt by the European Community in their mercantile and domestic affairs on the occurrence of Native holidays cannot be unfelt at other places also where business is stopped and detentions occur. I cannot therefore join in a proposal for closing the Provincial Custom Houses and other Revenue Offices *on the ground that*

† If rest from labor every seventh day is alone in contemplation, it is to be remembered that the Mahomedan Community has now its own seventh day.

no inconvenience would be thereby occasioned. The stoppage of all public business every seventh† day *must* necessarily inconvenience the large native communities who have been accustomed to continue their avocations on that day and such a measure, if undertaken,

would need therefore I conceive to be based on other reasons. In short the point at issue is not to be disguised and depends on what is pronounced to be the duty of a Christian Government regarding the observance of Sunday with respect to its Mahomedan and Hindoo, as well as its Christian subjects.

8. But this great question is not before the Board and I shall not presume to enter upon its discussion. As however the Board's Draft further states that the measure proposed in it "could not be construed into an interference with the religious opinions of the natives," I feel it incumbent on me to offer a brief remark on this point.

9. At present the Native community are satisfied to see Sunday observed *by Christians* and do not expect public Officers of that faith to engage in business on their holy day. They have also acquiesced in the closing of the Courts, because the days on which Courts are to sit is an arrangement to be settled by public authority, and the business before those tribunals is special and affects only a few particular individuals:—But the business of the Revenue and Police Establishments affects the every day concerns of the people, and if Government were to issue the order proposed by the Board, an order which would interfere with the people in their Villages even when remote from any Christian station, I agree with the Collector of Tanjore that they must be prepared to excite suspicion, especially since the Native community has latterly shewn an increased mistrust in the religious neutrality of our administration. It should not be overlooked that although no objection is felt to seeing Christians keep their Sunday, a widely different feeling might spring up if grounds were seen or imagined for attributing to Government an intention of *bringing the observance of Sunday to bear upon the followers of all other religions*.

10. I am thus unable to concur with my Colleagues that the stoppage of all public business on Sundays in the Provinces, excepting police business of an emergent nature, would not materially inconvenience the Native community, or that such a measure would have no religious significance in the eyes of the People of India. Whether the course proposed by the Board ought to be pursued, notwithstanding these or any other difficulties, is a question into which I shall not now presume to enter. It is I conceive a question with which the Imperial Government could alone deal, and I feel it necessary to record this Minute because the observance of Sunday in the Provinces if extended beyond the Christian community has, in my opinion, more difficulties than the Board's draft implies, and it seems important, whatever course may be ultimately decided upon, that those difficulties should not be concealed from the authorities who have to decide the question.

11. I will only express in conclusion my satisfaction that the papers now to be laid before Government shew that the Christian servants of the State have been long relieved from official work on Sundays, and that the principal public Offices are closed at all the Head stations, in the Provinces and generally where there are Christian communities.

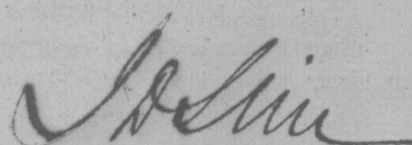
2d October 1858.

E. MALTBY.

P. S.—The slight modification since made in the draft Proceedings does not meet the difficulties expressed by me in this Minute.

E. M.

(A true copy.)



Secretary.

Abstract of the Reports made
to the Board of Revenue by the
Collectors of the several districts
in reply to Ex. Minis Com Public
Department 2^d March 1858 N^o 255
requesting information from Col-
lectors on the following points
1 Are your Native Revenue and
Police offices closed on Sundays?
and salt sales prohibited on
that day?
2 If so, when was this done, and
has inconvenience resulted from
so doing?
3 If not, would inconvenience re-
sult from closing all such offices
under your jurisdiction on Sundays
All public offices without excep-
tion have been closed since 26th
December 1857. No inconvenience
has apparently resulted.

From Ganjam
d/25 Aug/58

rep

In a letter from the Secretary
to the Board of Revenue
to the Acting Secretary
to Government G. O.
dated 15th January 1859
N^o 195.

893/59

Minute on the draft
on the observance of Sunday.

Up to the restriction made
lately / date not specified / Police,
Revenue, Salt, and Sea Customs
duties, were carried on in com-
mon on all days of the week.

Now no business is transacted on
Sunday. No inconvenience is an-
ticipated. provision being made for
emergencies.

Sea Customs Office only closed
hitherto. Collector anticipates no
inconvenience from closing all the
others.

All public offices in the District
closed from 16 January 1858. No
inconvenience whatever."

All offices closed on Sunday from
12 January 1847. in cases only of an
emergent nature is the rule de-
parted from

In 1853, an order was circulated
to the Native Subordinates directing
them to close their offices except
for the transaction of very emergent
business

Vijayapatnam
d/ 4 May / 58
and 27 Jan / 58

Rajahmundry
d/ 19 April / 58

Masulipatam
d/ 8 April / 58.

Quitoor
2 April / 58.

Nellore
7 April / 58.

business. It has not been duly
attended to. Salt is sold on Sun-
day. Does not apprehend that
any inconvenience would follow
closing all offices, provision being
made for emergencies.

Guddalapah
d/ 12 May / 58.

Offices are not closed on Sundays.
Inconvenience would be experienced
if 52 more holidays were given in
addition to the existing ones. And
no order forbidding the transac-
tion of business could be enforced
as the servants would take papers
and work in their houses. In
small districts offices might per-
haps be closed. but not in large
ones like Guddalapah

Bellary
d/ 5 April / 58.

Talook Offices are not closed,
but no serious inconvenience would
follow such a measure. which
would not however be strictly
observed by the native servants.
Provision must in any case be
made for emergencies.

Officer

Officers are not closed, and inconvenience would follow such a measure.

Munnool
3 April/58

Business proceeds in the Talook Offices, and Salt stores on all days. Inconvenience would be the result of a contrary course. The only result of an order to stop work altogether on Sunday would be to transfer the scene of operations to the private houses of the native servants, and not to stop it altogether while the Britisheries would be much inconvenienced by the stoppage of Salt sales. The Establishment is too weak to allow of work ^{being} left undone on Sundays and the arrears brought up on week days without extra hands.

Chingleput
30 March/58

Officers are open. No inconvenience would result from closing them provided provisions were made for all emergencies.

Native

South Arcot
24 April/58

Native officers not closed. but the Sea Custom Houses presided over by Christians, closed. No inconvenience results from the latter arrangement. Neither would any result from the prohibition of salt transactions on that day; or from the closing of a Talook office which happens to be presided over by a native Christian. all such offices should be closed on Sundays. Post offices, though, should continue open, and likewise the Frontier Custom officers.

Trichinopoly
24/29 March/58.

Native officers not closed no inconvenience would result from their being so though the native officers would work in their own houses.

Tanjore
27 July/58.

The Sea Custom Houses are closed on Sundays, except on emergencies and one Tahsildar closes

closes his office. All the other
native officers make no
distinction. Cannot say whe-
ther inconvenience has resulted
from the limited operation
of an order issued by late
^{Head of} Acting Collector and Sub Col-
lector closing the ^{in the Taluk} offices, but
thinks the Government should
not interfere, great inconveni-
ence and hardship will result
to petty traders in salt, and
the Dhony people, and loss
will be occasioned by diminished
salt sales. The day of rest will
not be prized by Native Officers,
Native Judges, rely chiefly on
Sundays to write their decrees
in quiet. And to enforce an order
to discontinue work on the
Sabbath would be impractica-
ble. To require native subor-
dinate to assimilate their
habits to ours, would be liable
to

to much misconception.

In the Department Public
Works it is only under the noses
of European officers that works
are stopped on Sunday. And it
would be impracticable to bring
about any other state of things.

We are sufficiently indulgent
when we permit our Hindu
and Mussalman retainers
to have leave of absence when
they require it for the observan-
ces of their own religion without
exacting from them an observance
of ours.

If however Government are
determined to introduce the
change, the time and manner
of doing so should be left to
the heads of Districts.

Since 1847 Taluk offices
are closed and salt sales for-
bidden, on Sundays except
for

Madurai
46 April 58