

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1310

Press

~~Mis.~~

294-295

Dated

14-6-1868.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
14th June 1865.*

No. 294. Read the following Proceedings of the Board of Revenue, dated 2nd June 1865, No. 2,905.

Read the following papers :—

From Ganjam,	dated 7th April 1865,	No. 57.
" Vizagapatam,	" 31st January "	" 55.
" Godavery,	" 27th " "	" 15.
" Kistna,	" 1st February "	" 9.
" Nellore,	" 27th January "	" 20.
" Cuddapah,	" 4th February "	" 9.
" Bellary,	" 23rd January "	" 16.
" Kurnool,	" 6th February "	" 14.
" Madras,	" 21st January "	" 32.
" North Arcot,	" 3rd June "	" 122.
" South Arcot,	" 29th August "	" 167.
" Tanjore,	" 23rd " "	" 286.
" Trichinopoly,	" 2nd February "	" 26.
" Madura,	" 12th August "	" 211.
" Tinnevely,	" 5th May "	" 170.
" Salem,	" 12th " "	" 88.
" Coimbatore,	" 15th April "	" 73.
" South Canara,	" 26th January "	" 22.
" Malabar,	" 6th February "	" 32.

1. Resolved that the letters recorded above be submitted for the consideration and orders of His Excellency in Council, with reference to the Order of Government under date 15th December 1863, No. 2,299.

2. In his letter, No. 3,222, the Inspector General of Mofussil Police brought to the notice of Government the general disregard of the law, which requires that the office of Village Munsiff should be held by the Head of the village, and pointed out that the separation of the two offices involved a great abuse; that it weakened and divided the authority which ought to be concentrated in one Village Head; that it introduced confusion, and frequently antagonism, into the management of the village; and in a word that it destroyed all legal responsibility.

3. The Government having forwarded the Inspector General's letter to the Board for report, the Board called for information from the Collectors as to the existing practice in their respective Districts.

4. It will be observed from the Collector's replies, that the Inspector General was hardly correct in stating that the separation of the two offices was the rule and not the exception, though the Board regret to learn that this practice is common in some Districts.

5. In the Northern Circars, in the Ceded Districts, and in the Districts on the Western Coast, it rarely happens that the two offices are held by different persons, except, as to the Northern Circars, in those portions of the Ganjam and Vizagapatam Districts which are now in the hands of private proprietors, or have only lately reverted to Government. The Board will allude hereafter to the proper mode of proceeding in the former case: in the latter, the Acting Collector of Ganjam has already given orders for the gradual amalgamation of the two offices as opportunity offers.

6. In Nellore and North Arcot, the separation of the two offices is more general than in other Districts; but even in those two Districts, it does not prevail to the extent that the Inspector General seemed to suppose. In both cases the Collectors condemn the practice, and are using their best endeavours to put a stop to it.

The

7. In Madras, Trichinopoly, and Salem the practice is rare; but in these Districts, as in most other Southern Districts, it is usual to have several Monigars in each village, and for one of these to perform the duties of Munsiff, though he is not relieved thereby from the performance of his share of the Revenue duties. The Collector of Madras complains, that neither Monigars nor Munsiffs are allowed any kind of payment in his District—a state of things which the Board presume cannot be remedied until orders are passed on Mr. Pelly's scheme for the revision of the Village Establishments. The Collector of Salem reports, that he has given orders requiring those Monigars who are unable to write to employ Gumastahs to perform their fiscal and judicial duties. The Board observe that this is unnecessary and improper; for the regulation provides that the village Kurnums should assist the Munsiff. [Regulation IV. of 1816, Sections 10, 30, 31, 34, and 39. Regulation V. of 1816, Section 20.] The Collector has ample powers under the law to nominate to the joint office the person most competent to perform the duties attached to it in an efficient manner, and if it were the invariable rule to nominate such persons only, the interests of the family in which the office might be hereditary would soon induce one of its members to qualify himself for the post. The Collector should therefore modify the orders referred to, and permit existing holders to perform the duties.

8. In Tinnevely it appears that the office of Munsiff is rarely held by a Mirasidar of the village, though the office of Monigar is invariably filled by a Mirasidar. In Coimbatore, though the Munsiff's office is generally conferred upon one of the Monigars of the village, the person holding it attends only to judicial duties, leaving all his revenue duties to be performed by the other co-sharers in the Monigar's office.

9. In South Arcot the practice varies, and there is considerable diversity of opinion among the Officers of the District as to the advantages to be obtained by a union of the two offices. It is also pointed out by the Head Assistant, Mr. Grose, that though it is laid down by law that the Head of the village or Monigar should invariably be also the Munsiff, there is nothing in the law which forbids the employment of other persons to assist him in the collection of the revenue. The Collector and Sub-Collector both lay much stress upon the inconvenience which ensues from the practice of permitting a division of the Monigar's office among the number of shareholders who take the duty in turns, and of allowing one person to hold the office, or a share of the office, in several villages.

10. In Tanjore the two offices are now united in one person; but the late Collector, Mr. Cadell, wished to see them separate, and was of opinion that Mr. Robinson was wrong in desiring to foster a system of Corporations in village communities; for in the Tanjore District at least, such communities, so far as community of interests and dependence on or confidence in a common head are in question, have altogether passed away. The Board do not share Mr. Cadell's opinions on this subject. They are of opinion that every endeavour should be made in Tanjore, as elsewhere, to elevate the position of village Headman (the person so constituted by Regulation IV. of 1816), and that for this purpose the office should be made hereditary in some wealthy family in the village. Were this done, the idea that the holding of such an office would be derogatory to the dignity of a Mirasidar (see paragraph 9 of Mr. Cadell's letter) would soon pass away.

11. In Madura, the separation of the two offices is by no means general; but the District Officers are of opinion that where a separation is necessary, owing to the Monigar being unfit to perform the Munsiff's duties, the separation of the two offices should be legalised. The Board cannot support this proposition, believing, as they do, that fit persons may in time be found to fill both offices united, provided a consistent policy be adhered to, and care be taken to impress upon the present holders that they must educate their children if they wish the appointment to remain in their families.

12. The Board are of opinion, that beyond laying down a few general Rules for the guidance of Collectors, it will not be advisable to interfere with the existing state of things in the several Districts until Mr. Pelly's scheme for re-modelling the Village Establishments shall be taken into final consideration.

13. For the present, the Board consider that it will be sufficient if all Collectors are instructed, whenever a vacancy occurs in the situation of Headman of a village, to make a careful inquiry for the purpose of ascertaining in what family the office is hereditary, and to nominate one of its members as village Headman and Moonsiff united. The Collector should then be careful that all the emoluments of office are made over to the person so appointed, except in the Districts of Bellary and Cuddapah, in which it is in contemplation to enfranchise the service Inam lands, and in Kurnool, in which they have been already enfranchised. In the case of a village where a body of Headmen has been recognized, and separate Manicms recorded, or in the case of a village with dependant hamlets with separate Manicms, the employment of more than one Headman may be permitted, and on such occasions the most competent man among them should be selected to fill the office of Moonsiff. The practice of permitting several members of the same family to hold the office of Monigar and Moonsiff, periodically in turns, should be entirely discontinued.

14. The Board can see no difficulty to these Rules being enforced in all Districts as opportunity offers, so far as Government villages are in question, for Collectors have full powers, under Regulation VI. of 1831, to prevent the alienation of the emoluments annexed to village offices; and the sub-division of such emoluments, or the enjoyment of them by persons who are incapable of properly performing the duties attached to the office may be fairly viewed as "an appropriation of the emoluments to purposes other than those for which they were originally designed."

15. The same Regulation applies to rent free villages and to permanently settled estates; and the Board believe that if proper inquiries be instituted, it would be found that in many of the villages in the permanently settled Districts, there is some family in which the office of Headman of the village is hereditary, and which therefore is entitled to enjoy, rent free, some portion of the lands of the village, though in many cases an unauthorized resumption of such lands, or other emoluments of office, may have been made by the Zemindar or Inamdar. If such be the case, it is the duty of the Collector to see that such unauthorized resumptions are cancelled, and to restore to the office of Headman all the emoluments properly belonging to it. If this course were adopted, the proprietors of estates would usually employ the Headman who received a special emolument for performing the Headman's duty to collect their revenue in reference to another person for whose services they would have to pay. The Collector would be careful to award the emoluments of the office to those persons who were competent to perform the duties both of Munsiff and Monigar; and the difficulty which it is now said exists in the case of Zemindary and of Inam villages in obtaining a Headman able to act as Moonsiff would be greatly reduced if not entirely removed.

No. 295.

ORDER THEREON, 14th June 1865, No. 1,310.

Miscellaneous.

1. Ordered to be communicated to the Inspector General Mofussil Police. The Government are glad to find that the practice he condemns is less general than was supposed, and that attention is every where being given to the subject of putting matters on the legal footing.

2. The Government concur in the opinion stated in paragraphs 12 *et seq.* of the Board's Proceedings.

3. The constitution of the village municipality includes one head of the village under the designation of Monigar, Potail, &c., as the case may be. The law (Regulation IV. of 1816) makes the same provision; non-residents are expressly precluded from acting as heads of villages.

Proceedings of the Madras Government, Revenue Department,
14th June 1865.

4. It is the duty of Collectors to keep constantly in view the maintenance of these provisions of the law, but there is nothing to prevent the employment of such assistance in the collection of the revenue as has hitherto been customary and continues to be necessary.

5. In every village there should be one person recognized as its chief head, holding a *sunud* of appointment and ex-Officio Moonsiff of the village. Steps should be taken gradually to attain or regain this position where it has not already been reached or has been abandoned.

(True Extract.)

Acting Secretary to Government.

To the Inspector General of Madras Police,
,, the Board of Revenue.

Exd. S. T. Augustin.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 14th June 1865.

Read the following Proceedings
of the Board of Revenue.

Submitting letters from Collectors
on the subject of the existing practice
in their Districts in regard to the
performance of the duties of Village
Moonsiff and Head of the Village, and
recommending that in cases where these
offices are performed by different individuals,
Collectors be instructed to unite them
as opportunities occur.

(Resolved 2^d June 1865
N^o 2905.)

Ordered to be com-
municated to the Inspector
General of Madras Police. The
Government are glad to find
that the practice he condemns
is less general than was at
supposed, and that attention
is everywhere being given to the
subject of putting matters on
the legal footing.

The Government concur
in the opinion stated in
paras 12 et seq. of the Board's
Proceedings.

The

The constitution of the Village Municipality ~~by~~ ~~institutions~~ includes one head of the village under the designation of Matigari Potail &c as the case may be. The Law (Regulations) of 1816 makes the same provision. Non-residents are expressly precluded from acting as Heads of Villages.

It is the duty of Collectors to keep constantly in view the maintenance of these provisions of the law and the observance of the same. ~~mainstream~~ ~~but there~~ is nothing to prevent the employment of such assistance in the collection of the revenue as has hitherto been customary and continues to be necessary.

In every village there should be one person recognised

as its chief head holding a sumud of appointment and ex-officio Mansiff of the village. Steps should be taken gradually to attain or regain this position where it has not already been reached - or ~~which~~ has been abandoned. -

4 File Insp. for P. & R. (P. & R. Des. 1000)
14 & the Board of Revenue I

27716

276-71

15-12-63

Revenue 1865 Sept 17
No. of Govt. for June

276/1310.

To: of the Madras Govt
Office June 1865

Orders to: on the

all reports of separating
the Office of Kelang &
Chinnay and, read of the
Village communicated to
Chaplain General
Chaplain General
Chaplain General

27944295