Proceedings of the Madras Government, Revenue Department, 12th April 1872.

Read the following :—

No. 116. Proceedings of the Board of Revenue, dated 6th October 1869, No. 7,424.

Read the following letters :—

From the Collector of	Ganjam,	dated	6th Oct.	1868,	No.	1,079.
,, ,,	Vizagapatam,	,,	12th Dec.	,,	,,	919.
,, ,,	Godavery,	,,	12th Oct.	,,	,,	259.
,, ,,	Kistna,	,,	13th ,,	,,	,,	302.
,, ,,	Nellore,	,,	23rd Feb.	,,	,,	390.
,, ,,	Bellary,	,,	13th Oct.	,,	,,	247.
,, ,,	Cuddapah,	,,	2nd ,,	,,	,,	191.
,, ,,	Kurnool,	,,	3rd ,,	,,	,,	339.
,, ,,	Madras,	,,	14th June	1869,	,,	183.
,, ,,	Salem,	,,	1st Oct.	1868,	,,	239.
,, ,,	North Arcot,	,,	3rd Dec.	,,	,,	404.
,, ,,	South Arcot,	,,	10th May	1869,	,,	96.
,, ,,	Tanjore,	,,	14th Nov.	1868,	,,	240.
,, ,,	Trichinopoly,	,,	28th Oct.	,,	,,	204.
,, ,,	Madura,	,,	2nd Feb.	1869,	,,	32.
,, ,,	Tinnevelly,	,,	27th April	,,	,,	172.
,, ,,	Coimbatore,	,,	6th Nov.	1868,	,,	299.
,, ,,	South Canara,	,,	21st Oct.	,,	,,	1,011.
,, ,,	Malabar,	,,	1st ,,	,,	,,	280.
From the Commissioner,	Nilgiris,	,,	12th ,,	,,	,,	41.

From Major H. L. GROVES, Superintendent of Army Schools, to the Acting Secretary to the Board of Revenue, dated Bangalore, 31st July 1869.

I HAVE had the honour of receiving your letter of 17th instant, in which you request me to communicate, for the information of the Board of Revenue, my views on the existing system of jurisdiction over Curnums in permanently settled districts.

2. I beg to premise that, during the six years and upwards of my employment in the Ganjam and Vizagapatam Agencies, I had ample opportunity for observing the system in question. For 2½ years I had the management under the Court of Wards of the Zemindary of Purla Kimidy ; and for some 3½ years I was stationed among the Zemindaris of Vizagapatam ; and am able, therefore, to speak with some confidence on the subject, regarding which my opinion is invited.

3. Until a comparatively recent period the Zemindars frequently failed to report to the Agents the changes that, from time to time, occurred among the Curnums of their estates, although bound to make such reports. In the event of a vacancy occurring, it would perhaps be filled up by some favourite residing at or near the Zemindar's head-quarters. Hence the circumstance of so many Curnums congregating in one town, and of some holding the lands of two or more distinct Mirassies, which they were allowed to acquire by intermarriage into the families of other Curnums, or by irregular inheritance through female members of the

family, who have no legal claim to succeed to such service lands. It is not uncommon to meet with the idea that the office of Curnum and the lands attached thereto are private property, and may, as such, be disposed of at the pleasure of the Zemindar.

4. The several duties of Curnums are clearly defined in Regulation XXIX. of 1802; but, except just so far as it affords complete protection to those persons, that enactment is, in my opinion, wholly inoperative for good. At the time when that law was passed, there may have been, and doubtless were, good reasons for so guarding the privileges of these men, that nobody, whether Collector or Zemindar, might interfere with them, whatever the neglect of duty might be except through the Civil Court; but it has ever appeared to me that in these days of progress, when European officials are so numerous, their influence for good everywhere felt, and redress of injury so readily obtainable, that the Regulation in question is a remnant of early legislation sorely requiring modification, so that it may become better suited to the requirements of the age; and that the circumstance of this protective law not having earlier attracted the attention of the authorities, is to be solely attributed to its operation being confined to so limited and comparatively unknown a portion of this Presidency.

5. In addition to the Returns prescribed by law (and which are often not prepared at all), Curnums are now required to send in other statistics, such as the Return of Deaths and Births, for example, for the information of the Zemindars, or of the Revenue, Magisterial, or Police authorities ; but it not unfrequently happens that the order is disobeyed, or not attended to until after the lapse of much time, and the issue of repeated orders; and when presented, the returns are frequently in such a form as to be of little value, if not positively unworthy of trust; for a Curnum's Returns are sometimes prepared not on the spot, but at the village where he lives; not from actual inspection or measurement, but from information supplied by a servant or relative. Some Curnums dwell miles away from their Mirassi village or group of villages; others have employment in other Zemindaris or districts. I have known a Curnum to hold a Curnumship in two different Zemindaris. If these servants wish to take leave, they rarely think of asking for it.

6. Complaints from the Police that they cannot find the Curnums, and that they can obtain little or no information and assistance from them, are frequent. In numerous instances the Zemindars have applied to me to have their Curnums punished for gross neglect of duty; but all that could be done was to advise the prosecution of the delinquents in a Civil Court—a course that, to my knowledge, was never adopted. Collectors and Zemindars hesitate to have such matters adjudicated upon in the Court of a District Munsif; and yet no other method of dealing with offenders, such as I have described, is permitted by the law. Besides dismissal from office, which is the only punishment such a Court can inflict, is not always what is wanted, and would be, in some instances, a most harsh proceeding.

7. I see no good reason why the Curnum of permanently settled estates should be allowed an immunity from the direct control of the Collector that does not extend to the Naidu. There can be no doubt whatever that the existing law is

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defective and requires alteration so as to approach more the law prevailing in unsettled districts.

8. In conclusion, I beg to add that in the Zemindari of Purla Kimidy and in the adjoining taluq of Palconda a class of Curnums is to be met with who, though in the enjoyment of considerable Inams, do no official work, nor are they recognized as village servants. It was generally understood, I believe, that the position and claims of this body were to be disposed of by the Inam Commissioner, or by Mr. Pelly's scheme ; but, so far as I could learn, no final orders on the subject were published.

Several cases having come before the Board in which difficulties and delays had been experienced in obtaining information from Curnums in Zemindaris on subjects such as areas under special product, Returns of Births and Deaths, and such like, a Circular was issued calling on Collectors for their opinion as to the practical working of the system under which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Court.

2. Major H. L. Groves, Superintendent of Army Schools, and formerly employed in the Ganjam and Vizagapatam Agencies, was also requested to report on the subject.

3. The letters recorded above are their replies.

4. With the exception of the Collectors of Ganjam and Trichinopoly and of the districts named in the margin (the Collectors of which give no opinion as there are no Zemindaris in these districts), all the Collectors agree in condemning as inconvenient and practically inoperative the existing system, whereby Zemindari Curnums are amenable for neglect of duty to the Civil Court only; and they would modify the law (Regulation XXIX. of 1802) to the extent of making these Curnums subject to the summary jurisdiction of Collectors for neglect of duty.

* Bellary.	South Arcot.
Cuddapah.	Canara.
Kurnool.	Nilgiris.

5. The following is a brief outline of the tenor of the replies :—

6. The Collector of Vizagapatam complains of the irresponsibility of the Zemindari Curnums, and states that the only punishment which can be put in force against them is by the bringing of a regular suit against them to the Civil Court—a thing scarcely ever done.

He considers, however, that the restrictions contained in Act XXIX. of 1802, forbidding Collectors to call for accounts of private estates, except for specific purposes, are beneficial.

The Principal Assistant Collector further points out that the Act gives no authority by which the Collector can order the Curnums in permanently settled estates to render the Census Returns and the Returns of Births and Deaths.

7. The Collector of Godavery reports that the Curnums do not keep accounts correctly, and he would willingly see them placed under the Revenue jurisdiction of Collectors, the nomination to vacancies remaining with the Zemindar.

8. The Collector of the Kistna District finds difficulty in obtaining accounts of land newly brought under irrigation from anicut-channels, and consequent difficulty in collecting the water-cess.

9. The Collector of Nellore instances six Zemindari villages in his district from which no Returns of Births or Deaths have been received for six months, and he makes the same recommendation as the Collector of Godavery. The Acting Sub-Collector and the Deputy-Collector report in a like manner.

10. The Collector of Madras reports great difficulty in procuring the attendance of Zemindari Curnums to supply information such as Returns of Births and Deaths and Census Returns, also statements of amount of cultivation and produce when estates are divided, or when lands are required for public purposes; and suggest the same remedy as other Collectors.

11. The Collector of Salem reports similarly, and his Head Assistant points out forcibly how tedious a process it is to attempt to punish the Curnums when they fail to produce accounts called for.

12. The Collectors of North Arcot, Madura, Tinnevelly, and Coimbatore, all report in a similar manner to the above.

13. The Collector of Trichinopoly appears to find no difficulty in obtaining such information as he requires. He states that there is generally a good understanding between the Tahsildars and the Zemindars, but doubts whether the present Regulation is strictly adhered to, and intimates that the means employed in obtaining information from the Zemindari Curnums are probably illegal, without, however, stating what those means are.

14. The Collector of Ganjam alone appears to be satisfied with the present system. He thinks that the multiplicity of duties expected from Curnums is such that they should be, as at present, shielded from all pains and penalties, save such as may be adjudged against them for misconduct proved before a Civil Court.

15. Major Groves's letter entirely supports the opinions expressed by the Collectors, and discloses a state of great laxity in the performance of their duties by the Zemindari Curnums, and also a system by which they frequently hold Curnumships in two different places, and consequently often furnish their reports not from actual inspection, but from information supplied them by servants or friends.

Major Groves points out also that one great reason why the Zemindars seldom resort to the Civil Court to punish their Curnums is that the only penalty which the Court is empowered to inflict is dismissal, which would frequently entail great inconvenience on the Zemindar.

16. The Board resolve to submit the question for the consideration and orders of Government in order that, should Government see fit, action may be taken for a modification of Regulation XXIX. of 1802.

17. As may be gathered from the concurrent testimony of so many Revenue-officers, it is clear that the existing laws make no provision for the return by Zemindari Curnums of many particulars which are now indispensable to the Revenue Administration, the following may be particularised:—Census Returns, Registers of Births, Deaths, and Marriages, use of water from Government works, and the extension of the cultivation of special products. Under the present system, if ryots are aggrieved by neglect or injustice on the part of a Curnum or if a Zemindar has cause to complain of disobedience, unauthorized absence, or any

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other offence, the only remedy is a suit for ejection— a course which experience shows to have scarcely ever been taken.

18. The testimony of district officers is (as on the occasion of a former reference on the same subject by Mr. Stokes in 1855) almost concurrent in establishing the existence of these inconveniences and in tracing them to the independent position given to Curnums by Regulation XXIX. of 1802.

19. The repeal or modification of this Regulation so as to render Zemindari Curnums summarily responsible to Revenue-officers for acts of misconduct injurious to ryots, and for neglect to render Statistical Returns called for by the Board or Government and to empower Zemindars to inflict limited fines on their Curnums in certain cases, is the remedy generally suggested.

20. The Board support this suggestion, but would provide an appeal to the Board within three months from summary decision by a Collector, and an appeal to the latter (not to his Assistants) from fines inflicted by a Zemindar, the appeal time in this case to be one month.

21. The general opinion of Collectors seems to be that the nomination to vacant Curnumships should rest with the Zemindar under the same rules as at present, and in this opinion the Board concur.

22. It has suggested itself to the Board that in event of the Government deciding to apply to the Legislature, it may be expedient to ascertain the view of some of the principal and most intelligent Zemindars.

No. 117. Proceedings of the Board of Revenue, dated 15th June 1870, No. 4,149.

Read again Government Order dated 5th October 1869, No. 2,725, recorded in Board's Proceedings dated 21st October 1869, No. 7,843.

Read also the following letters:—

From the	Offg.	Collr. of	Vizagapatam District,	dated	2nd Feb. 1870,	No. 96.
,,		,,	Godavery District,	,,	13th Nov. 1869,	,, 300.
,,	,,	,,	Kistna District,	,,	29th Dec. ,,	,, 305.
,,	Acting	,,	Nellore,	,,	10th Nov. ,,	,, 2,117.
,,	,,	,,	Bellary,	,,	26th Feb. 1870,	,, 44.
,,		,,	Cuddapah,	,,	26th ,,	,, ,, 36.
,,		,,	Kurnool,	,,	8th Jan. ,,	,, 9.
,,		,,	Salem,	,,	17th Feb. ,,	,, 36.
,,		,,	North Arcot,	,,	7th March ,,	,, 84.
,,		,,	South Arcot,	,,	7th ,, ,,	,, 57.
,,		,,	Tanjore,	,,	9th ,, ,,	,, 80.
,,		,,	Trichinopoly,	,,	7th Jan. ,,	,, 4.
,,	Offg.	,,	Madura,	,,	14th Feb. ,,	,, 40.
,,	Acting	,,	Tinnevelly,	,,	21st Jan. ,,	,, 17.
,,	Commissioner of the Nilgiri Hills,			,,	7th Feb. ,,	,, 21.
,,	Acting Collector of South Canara,			,,	14th ,, ,,	,, 165.
,,	do.	do.	Malabar,	,,	10th ,, ,,	,, 59.
,,	Ag. Sub-Collr. in charge of Coimbatore,			,,	2nd June ,,	,, 131.
,,	Acting Collector, Madras,			,,	2nd ,, ,,	,, 199.

On an application from the Collector of Vizagapatam for an annual extra establishment for the collection of vital statistics in Zemindaris, the Board inquired of Government if they would sanction the proposed expenditure. The Government stated that they were unable to sanction any expenditure, but that they would consider any proposal made by the Board in the general scheme then under their consideration. Meanwhile, they wished to be informed how far the position of heads of villages in Zemindaris had been improved in the manner suggested by the Board and approved of by Government in 1865.

2. The Collectors were then called upon to report what had been done in pursuance of those instructions.

3. The letters above recorded are their replies. The Collector of Ganjam has not responded to the call.

4. It appears from these replies that, generally speaking, there is a recognized head of a village in all the Zemindari tracts, who holds his office as Village Munsif and village Magistrate under a Sanad from the Collector. In some Zemindaris there are emoluments attached to the office, in some there are none. No cases of resumption of such emoluments have been brought before Collectors, but the Collector of Vizagapatam states that in cases of lapse of shareholders, the share of emoluments of the deceased has been re-attached to the office-holder.

5. As a matter of fact, no opposition has been manifested either by Zemindars or the village heads, and the difficulties in collecting statistics are reported to have diminished considerably. The returns, however, are stated by some Collectors to be not quite reliable, being beyond easy reach of test and correction. Though in some Zemindaris, such as Ramnad and Sivaganga, the returns are backward, yet, taken as a whole, there has been considerable improvement of late years in point of punctuality.

6. The Board believe that by due encouragement and considerate treatment, much may be done to improve the position of the heads of villages in Zemindaris and to make it a post of honour.

7. They are, therefore, of opinion that the ground already gained during the last few years in the matter of collecting vital and other statistics in Zemindaris should not now be abandoned, and accordingly resolve to continue the collection of those statistics through the same agency as has been made use of hitherto.

No. 118. Order thereon, 12th April 1872, No. 595.

Miscellaneous.

In the first Proceedings recorded above, the Board of Revenue reported that, owing to certain difficulties which had occurred in the collection of statistics from Zemindars, they addressed the Collectors of districts, calling for their opinion on the practical working of the existing system under which the jurisdiction over Curnums in permanently settled estates is vested solely in the Civil Courts. They submitted with the same Proceedings the replies of these officers, and, adverting to the generally unsatisfactory nature of

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the state of matters disclosed, they recommended that Regulation XXIX. of 1802 should be modified, and that Zemindari Curnums should be rendered summarily responsible to Revenue-officers for acts of misconduct injurious to ryots, and for neglect to render statistical returns called for by the Board and Government.

2. Previous to the receipt of these Proceedings, the difficulty which was felt in the collection of statistical returns in Zemindari estates had been brought to the notice of Government in the Board's Proceedings, under date 30th August 1869, and in the Order thereon, dated 5th October 1869, No. 2,725; the Board's attention had been drawn to the Order of 14th June 1865, No. 1,310, with the remark that, if the proposals of the Board, which were sanctioned in paragraph 2 of that order, in regard to the recognition of a Government officer in villages belonging to permanently settled properties, had been carried out, the collection of statistical information should have been greatly facilitated. The disposal of the first paper above recorded was accordingly deferred until the receipt of the Board's reply to the Order of Government dated 5th October 1869, No. 2,725.

3. In the Board's second Proceedings above recorded, they replied to this order, and submitted reports from the Collectors of districts, stating that, as a matter of fact, no opposition had been manifested either by proprietors or heads of villages to the collection of statistics, and that the difficulties in obtaining them had diminished considerably.

4. They expressed their belief that by due encouragement and considerate treatment much might be done to improve the position of the heads of villages in Zemindaris and to make it a post of honour, and that the ground already gained during the last few years in the matter of collecting vital and other statistics in Zemindaris should be maintained.

5. The Government observe that there are two questions involved in this matter :—

The first is the difficulty experienced in procuring correct and regular returns of vital and other statistics from Zemindari Curnums. It is no part of the legal duty of these Curnums to render such returns, and the law practically protects them from all punishment. The Government understand that, through the co-operation of the Zemindars, this difficulty is somewhat lessened now, and further improvement may be anticipated ; and they are, therefore, not in favour of any change in the law at present, though doubtless the returns are not all that can be desired. In the course of another year or two, when the ignorance of the people regarding the purposes for which vital statistics are required is dispelled, and their suspicions and prejudices removed, it will probably be necessary to provide by law for the collection of these statistics all over the country, to make it the duty, under penalty, of those in whose households births and deaths occur to report them within a stated period to some public officer, and to make it the duty similarly of that officer to register such events, and to render returns of them in manner prescribed. When such a law is enacted, it will be for consideration on what officer, Munsif, Curnum or other, the duty of registration should be imposed ; what remuneration, if any, should be assigned for the work, etc., etc.

The other question is the virtual immunity which Zemindari Curnums enjoy for misconduct under Regulation XXIX. of 1802. Under this Statute a Curnum

cannot be punished otherwise than by dismissal, and this only by sentence of a civil tribunal, at the instance of the Zemindar alone. It is obvious that there are numberless cases of neglect of duty, disobedience of orders, and other petty misfeasances, for which a fine or temporary suspension would be sufficient punishment, but for which dismissal would be far too severe, and which a Zemindar would rather pass without notice than incur the expense and trouble of bringing before a Court of Justice. Again, the inconvenience which this cumbersome process entails may, it is to be apprehended, lead not only to matters which ought to entail punishment passing unpunished, but to Zemindars resorting to the irregular means which they undoubtedly possess, of coercing their Curnums. The virtual denial of an easily obtained legal remedy naturally induces resort to irregular methods of redress. It is a fact that the Zemindars do not have recourse to the Courts for the punishment of Curnums, and as it cannot be supposed that these officers are universally immaculate, the natural inference is that offences go unpunished owing to this peculiar provision of the law.

6. The circumstance that by law the Zemindar is the only person who can institute proceedings in the Courts for a Curnum's dismissal may also operate injuriously in another way. The Curnum is intended to be a protection to the ryots against the Zemindar; his books and accounts are the record of their rights, etc. But as the Zemindar is the only person who can cause his dismissal, the Curnum is naturally led to ingratiate himself with the Zemindar, who, of course, must also find it to his advantage and convenience to be on good terms with the Curnum. The law thus itself provides inducement for the counteraction of its own design. Again, the law provides no means of ascertaining whether a Curnum really performs the duties assigned to him by law; in fact, imposes obstacles in the way of any such investigations, and affords no remedy whatever to ryots whose interests may be affected by a Curnum's delinquencies.

7. The Government are, therefore, of opinion that a change in the law is required, which shall afford a Curnum all due protection without conferring practical immunity from punishment for misconduct, and which shall admit of due performance of his duties being ensured.

8. They are disposed to think that Collectors might be vested with power to inflict fines on Curnums within a certain limit, or to suspend them for stated periods after formal inquiry for breach of duty coming within their own cognizance, or brought forward by Zemindars or ryots, an appeal lying to the Board of Revenue within six months.

9. Dismissal might be left to the Courts, power to prosecute being extended to the Collector, which arrangement would afford ample protection; and pending the decision in the suit, a temporary Curnum might be appointed by the Zemindar. The Collector of his own motion, or at the instance of Zemindar, should have power to examine Curnum's accounts, or to do either by a special agent, so as to ensure the Curnum doing his work properly. The Government request the Board to prepare a Draft Bill according to the above sketch, and desire that they will obtain fuller information regarding Zemindari Curnums, their number and emoluments, and also as to the number of villages which are without Curnums, etc.

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The Board will, as proposed by them, obtain and submit the opinions of some of the principal and most intelligent Zemindars on the proposed legislative measure.

(True Extract.)

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

To the Board of Revenue.

Exd. F. R. Bantleman.

From D. F. CARMICHAEL, Esq., Collector of Ganjam, to the Acting Secretary to the Board of Revenue, dated Chetterpore, 6th October 1868, No. 1,079.

In reply to the Board's Circular, No. 6,655, of 18th September ultimo, I beg to state that I highly approve of the existing law which secures the independence of the Village Curnum in permanently settled estates by shielding him from all pains and penalties saving such as may be adjudged against him for misconduct or neglect of duty (not being an *offence*) proved to the satisfaction of a Civil Court.

2. Let any one read Regulation No. XXIX. of 1802 on the duties of Curnums, and when he comes to "thirteenthly," I believe he will be ready to admit that these public functionaries have duties to perform altogether too important to admit of their being placed in a subordinate or unsecured position, with safety to the interests of the public. All kinds of additional Accounts and Returns have, of late years, been expected from them, and as they are not bound to respond at all and get nothing *extra* for doing so, I own I am often amazed that we get so much as we do from them. It can proceed from nothing but a spirit of generous loyalty and dignified obedience to the Sirkar. That "ordering oneself lowly and reverently to all one's betters" comes naturally to the mild Hindoo.

3. In some quarters, no doubt, some additional stimulus appears called for. If the finances can afford it, I would propose that each Zemindary Curnum receive from the Collector 12 Rupees a year; the payment of this *maximum* being dependent on the intelligence and punctuality with which he delivers his Returns. Otherwise, I would let things go on as they are; they are as favourable as we could reasonably expect at present, and will improve every day.

Exd. J. Wright.

From J. I. MINCHIN, Esq., Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated Camp at Jeypore, 12th December 1868, No. 919.

I HAVE the honor to reply to the Board's Proceedings, dated 18th September, No. 6,655, calling for the opinion of Collectors on the system under which jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts.

2. The Principal and Acting Senior Assistants and the Deputy Collector Mr. Jellicoe unite in stating that, under the present system, extreme difficulties are experienced in procuring the requisite accounts from the Curnums, and all these Officers would advocate placing them under the authority of the Collector.

3. In the Jeypore territories there are no Curnums and no Village Accounts; so that in this large Zemindary this privileged class of village servants do not exist.

4. Throughout the rest of the district, with the exception of the three Government talooks, the Curnums are practically irresponsible: they can be removed only by the Civil Court on a regular suit brought by the Zemindar, which, I need hardly say, is a remedy for misconduct that is never had recourse to, and they can otherwise be punished by nobody.

5. Under these circumstances, I think it highly to the credit of the Curnum class that work is done at all; but I need hardly say that it is impossible to obtain from them those minute statistics which are accumulated in all ryotwarry talooks; and where it may be of importance to procure any of such statistics, it is often impossible, and the license of the Curnums is productive of inconvenience.

6. As stated by Mr. Hutchins, this question was considered in 1855, when Mr. Stokes was engaged in revising the Revenue Law of the Presidency, and most Collectors were then of the opinion that the jurisdiction of the Civil Courts over the Curnums in permanently settled estates was nominal, and that they should be placed under the Collector's immediate authority;—pages 68, 73, 82, and 91, of Reports by H. Stokes, Esq., M. C., S. 1862.

7. I am no advocate for undue interference in the affairs of private estates, and I think the restriction for bidding Collectors to call on Curnums to produce the accounts of such, except for specified purposes, is salutary. At the same time the Collector should have power to enforce the performance of necessary duties.

ENCLOSURE No. 1.

From A. R. HUTCHINS, Esq., Acting Principal Assistant Collector, to the Acting Collector of Vizagapatam, dated Camp at Waltair, 8th October 1868, No. 160.

WITH reference to your Memorandum on the Proceedings of the Board of Revenue, dated 18th September 1868, No. 6,655, requesting my opinion as to the practical working of the system under which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts, I have the honor to observe that my predecessor, Mr. Boswell, felt inconvenience from the non-transmission of the Census Returns and births, &c., from Curnums in the Zemindary and proprietary estates.

2. By Regulation XXIX. of 1802, the Collector can only demand the production of accounts from the Zemindary Curnums for certain specific purposes, and there are certain particular registers and accounts which they are required to keep. There is no authority by which the Collector can order the Curnum in the permanently settled estates to render the census and returns of births and deaths.

3. In the Land Revenue Bill, proposed to become law in 1862, I remember that the jurisdiction over the Curnums in the permanently settled estates was proposed to be vested in Collectors; and the Regulation XXIX. of 1802 was proposed to be repealed. The Zemindars and Proprietors do not see if their Curnums keep the required returns and registers, and the Curnums have no great respect for their Zemindars, because they know that they cannot be ousted by them unless by a Civil Decree. For this the Zemindar must take much trouble and undergo expense.

4. I have, therefore, the honor to state that, in my opinion, the Regulation XXIX. of 1802 should be rescinded, and the nomination and dismissal of the Curnums placed in the hands of the Collector. The claims to the office of Curnum must be settled under Regulation VI. of 1831.

5. I further beg to state that I do not see why the Curnums in the permanently settled estates should be exempted from the jurisdiction of Collectors, when all the other classes of servants in those estates are amenable to him.

(True Copy.)

(Signed) J. I. MINCHIN,
Collector.

Exd. F. R. Bantleman.

From J. FRASER, Esq., Collector of the Godavery district, to the Acting Secretary to the Board of Revenue, dated Coconada, 12th October 1868, No. 259.

In reply to Board's Proceedings, No. 6,655, of 18th September 1868, I beg to state that, in my opinion, the practical working of the system by which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts is decidedly bad. It is antiquated, and not in accordance with the more advanced state of things now existing.

2. Returns and accounts of all sorts may be urgently required from such Curnums for important public purposes, and yet they cannot be got save without such a tedious process as to amount practically in many cases to impossibility to get them. The Civil Courts have not the time or Establishments necessary to look after proprietary Curnums as they should be looked after; and I know that as a rule such Curnums do not keep the accounts they should keep. I would put Curnums every where under the Revenue jurisdiction of Collectors in all things, allowing only the nomination to vacancies in the office to proprietors, while the Collector should see and satisfy himself that the nominee is a proper and fit person.

Exd. J. Wright.

From W. McQUHAE, Esq., Acting Collector of the Kistna district, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 13th October 1868, No. 302.

With reference to the Proceedings of the Board of Revenue, dated 18th September 1868, No. 6,655, I have the honour to state that the system under which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts, gives rise to continual difficulties and delays in the Kistna district.

2. In addition to information on the subjects mentioned by the Board, it is necessary to obtain from Curnums in Zemindaries accounts of land newly brought under irrigation from Anicut channels in order that the Water Cess may be collected. Great difficulty is experienced in obtaining such accounts, and looking at Section 13, Regulation No. XXIX. of 1802, the Collector might fail in obtaining the punishment of the Curnums if he did prosecute them before the Civil Court.

3. Regulation No. XXIX. of 1802 has been set aside by Section 9 of the Road Cess Act. The repeal of Section 13, and the substitution of the word "Collector" for "Adawlut" in Section 16 of that Act, might be sufficient remedy for the difficulty experienced in other cases.

Exd. J. Wright.

From J. W. B. DYKES, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 23rd February 1869, No. 390.

With reference to the Board's Proceedings, dated 18th September 1868, No. 6,655, calling for the opinion of the several Collectors as to the practical working of the present system of control over the Curnums in permanently settled estates, I have the honor to enclose copies of letters from the Acting Sub-Collector Mr. Hughesdon, and General Deputy Collector Cundasawmy Moodelly, on the subject, and state as my opinion that the present control is simply nominal, being only capable of enforcement through a Civil suit.

2. It is at the discretion of the Curnums what information they will give as regards statistics, etc; and, as might be expected, the result is that great difficulty is experienced in getting it. I beg to specify in the margin the number of Zemindary villages which have failed to make the requisite Returns, during the last six months, of Births and Deaths; and appeals for the Zemindar's influence have not mended matters, because the Zemindar has no direct authority.

July	16	October... ...	8
August.....	7	November...	2
September ...	20	December ...	6

3. Leaving the appointment of the Curnums in the hands of the Zemindars I would give the Collector the power over these men by Summary suit that is now exercised by the Civil Judge by Regular suit, giving the former the power of calling for such statistical information as may be required by Government, and vesting in the latter the power of receiving appeals against such summary proceedings.

Enclosure No. 1.

From J. C. HUGHESDON, Esq., Acting Sub-Collector of Nellore, to the Collector of Nellore, dated Ramapatnam, 17th November 1868.

With reference to Board's Proceedings, dated 18th September last, forwarded to me with a Memorandum from your office, dated 2nd ultimo, I have the honor to state that, according to my experience, the jurisdiction which the Civil Courts have over the Curnums in Zemindaries has become quite nominal. Such jurisdiction, it would seem, can only be called into exercise by the institution of a Regular suit.* This of course is a wearisome and expensive process, and I have never yet known it to be adopted. It would seem, therefore, that the Curnum is virtually free from all control; for while on the one hand the assistance of the Civil Courts is not likely to be sought, the Collector of the district and the Zemindar are alike powerless to fine the Curnum even to the amount of a single Rupee, or to suspend him for a single hour. And yet the system is found to work on without very serious inconveniences, and I cannot help thinking that, though the Collector is really, as well as legally without authority, the Zemindar has many indirect methods of keeping his Curnums in order and making his influence felt, and this, it seems to me, is a great misfortune for the ryots. Against Zemindar and Curnum combined these are powerless. It is not to be supposed that the ryots have not frequently cause of complaint, and would seek redress from the Collector if they could get it, whereas it is not worth their while to go to the Courts. I think the Collector should have some authority. I would invest him with power to entertain all complaints of the misconduct of Curnums in Zemindaries and to inflict punishment either by fine not exceeding Rupees 50, or suspension for a period not exceeding twelve months. The Collector might also be empowered to recommend dismissal to the Civil Court without the institution of a suit; in all cases an appeal to lie to the Court from the decision of the Collector. I would not define the word "misconduct" very exactly, but would let the authority of Collectors over Zemindary Curnums be almost as extensive as in Government villages, though I would make the Civil Judge the Appellate Court in every instance. In this manner I would cause the influence of Collectors to be felt in Zemindaries in a way that I cannot help thinking would be very salutary. The idea of a servant being independent of all authority, and not liable to fine or dismissal, seems to me preposterous to a degree. That he may be sued is nothing to the point, for so may any private individual. His

* Section 11, Regulation XXV. of 1802.

office is certainly one that demands for its possessor a degree of independence, but as far as the Zemindar is concerned the Curnum would, with the measures I propose, be just as independent, (or, as I cannot help thinking, rather more independent than at present,) while an appeal to the Civil Judge would effectually protect him from undue interference on the part of the Revenue authorities.

2. With regard to the point which called forth the Board's reference, I may remind you that I have already requested Mr. Boswell's attention to the irregularity with which the Registers of Births and Deaths are received from the Zemindary villages. Mr. Boswell expressed his intention of communicating with the Zemindars on the point, but I fail to perceive of what advantage this will be, unless the Zemindar has some *unrecognized* influence with his Curnums, and this unrecognized influence is, I submit, what is to be complained of, and should be kept in check by the recognized authority of the Collector.

(True Copy.)

(Signed) J. W. B. DYKES,
Collector.

ENCLOSURE No. 2.

From C. CUNDASAWMY MOODELLY, B. A., Deputy Collector of Naydupet, to the Collector of Nellore, dated 18th February 1869, No. 21.

WITH reference to the Board's Proceedings, No. 6,655, of the 18th September last, which was referred to this office for an opinion as to the practical working of the system under which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts, I have the honor to submit the following report.

2. Under the existing law,* the appointment of Curnums in the permanently settled estates is vested in the Zemindar and other land-holders, and their dismissal in the Courts of Judicature. The Revenue authorities have no power whatever upon them. Under Section 16 of Regulation XXIX. of 1802, the Collector cannot even fine a Curnum of an estate for any kind of negligence or misconduct. If the Curnum does not attend to any of his requisitions, he must file a suit against him in the Civil Court to get him punished.

* Section 11, Regulation XXV. of 1802.
" 3, " XXIX. of "
" 5, " XXIX. of "

3. As far as my information goes there does not appear to have been a single instance in the Vencatagherry Zemindary in which a complaint was filed in the Civil tribunals against a Curnum for misconduct, although there must have been thousands of cases in which the Curnums rendered themselves liable to prosecution; and this is accounted for by the obvious reason that the parties do not think it their worthwhile to undergo the expenses and trouble of filing suits against them in the Civil tribunals. This in fact places the Curnums of permanently settled estates beyond all control and punishment.

4. Owing to this state of the law much difficulty and delay are experienced in getting any information required of the Zemindary Curnums, and I may here mention as an instance that, while in the North Arcot District, I had to notice frequently the delay on the part of the Zemindary Curnums in the submission of the monthly Mortuary Returns, and the Inayatnamas of the Collector to the Zemindar to enforce obedience in them have not had the desired effect to that extent that it would have had had the remedy been in the hands of the Collector.

5. Thus it would seem that the law which vests the jurisdiction over the Zemindary Curnums in the Civil Courts remains a dead letter. Under these circumstances, I am of opinion that, although nomination to vacancies may be left to the Zemindars and other land-holders as at present, the power of punishing the Curnums for misconduct should be vested in the Revenue authorities.

(True Copy.)

(Signed) J. W. B. DYKES,
Collector.

Exd. J. Tulloch.

From H. E. SULLIVAN, Esq., Collector of Bellary, to the Acting Secretary to the Board of Revenue, dated 13th October 1868, No. 247.

I HAVE the honour, in reply to the Proceedings of the Board of Revenue, No. 6,655, dated 18th ultimo, to state that, as there are no Zemindaries or permanently settled estates in this district, an expression of opinion on the question therein mooted does not seem to be called for from me.

Exd. J. Wright.

From F. B. MOLONY, Esq., Acting Collector of Cuddapah, to the Acting Secretary to the Board of Revenue, dated 2nd October 1868, No. 191.

I REGRET my inability to advance any opinion derived from experience on the point raised in Proceedings of the Board, No. 6,655, of 18th September 1868. Theoretically it seems to me that delay and difficulty in obtaining information from Curnums in Zemindaries is the natural result of authority over them being vested in the Civil Courts instead of in the Collectors, through whom these accounts and information are always obtained by the Board, but practically I have had no experience in the matter owing to there being no Zemindaries in the Cuddapah district.

Exd. J. Wright.

From T. A. N. CHASE, Esq., Collector of Kurnool, to the Acting Secretary to the Board of Revenue,
dated on circuit at Nundial, 3rd October 1868, No. 339.

In reply to Proceedings of the Board, Nos. 6,655 and 6,656, dated 18th September 1868, I have the honour to inform you that there are no Zemindars in this district.

Exd. J. Wright.

From E. G. R. FANE, Esq., Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 14th June 1869, No. 183.

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WITH reference to the Board's Proceedings of the 18th September last, No. 6,655, I have the honor to state that the operation of the Law as to the jurisdiction of the Civil Courts over Curnums in permanently settled estates, has been, to my knowledge, far from satisfactory.

2. The attendance of Muttah and Zemindary Curnums at the Talook Cutcherry has, of late, been rendered almost as frequently necessary as that of Curnums in Ryotwary estates, as they are required to prepare returns of Deaths and Births and the Census Returns, many of which duties have been recently imposed upon them. They have also to furnish accounts of actual cultivation and produce when estates have to be sub-divided, or when lands, required for public purposes, have to be taken up, and when doing so are generally required to attend at the Collector's Cutcherry. In all such cases to have to complain to the Courts of any disobedience on the part of the Curnums is almost tantamount to having no control over them, and the result is great delay in all cases requiring reference to Muttah accounts. I would, therefore, strongly recommend the alteration of the law, empowering the Collector to fine or dismiss all Muttah, etc., Curnums for any disobedience of his orders, but leave the nomination of the new Curnums to the Zemindars themselves, as now, subject to redress in the Civil Courts for illegal nominations.

Exd. T. Cartledge.

From C. N. POCHIN, Esq., Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 12th October 1868, No. 239.

I HAVE the honour to acknowledge the receipt of the Board's Proceedings, under date the 18th ultimo, No. 6,655.

2. As regards Zemindary Curnums, the procedure in cases of misconduct and the like is certainly very tedious and inconvenient, in fact the law as it stands at present is almost useless.

3. The duties of a Zemindary Curnum are enumerated in Regulation No. XXIX. of 1802. With the exception of keeping Registers of Grain Prices, Registers of Strangers passing and repassing the villages, and reporting deaths of all holders of rent-free lands, a Zemindary Curnum's duties are confined to everything connected with land and crop: again Collectors are prohibited from demanding from Zemindary Curnums their attendance, accounts, or information other than for the purpose of assessing portions of estates, etc.—Vide Sections 13 and 14. I do not see how, on the face of this, a Curnum in a permanently settled estate could be compelled to render any of the returns specified in paragraph 1 of the Board's Proceedings. The only course, the adoption of which is urgently called for, is to amend Regulation No. XXIX. of 1802, so as to place the Curnums under the jurisdiction of the Collectors in respect to accounts which may be required by them for the due administration of the country.

4. A copy of a report received on the subject from the Sub-Collector is enclosed.

ENCLOSURE No. 1.

From J. F. PRICE, Esq., Sub-Collector, to the Collector of Salem, dated Oossoor, 6th October 1868, No. 629.

I HAVE the honour to reply to your letter, No. 912, dated 2nd instant.

2. As far as the present system as regards Curnums in settled estates is concerned, I consider that it is the most impracticable that could have been devised, and that it tends to render them as disobedient and contumacious as they possibly can be.

3. The Civil Courts have nothing whatever to do with these persons. It is not they but the Collectors and their subordinates who have to call upon them to furnish Returns of Births and Deaths, etc.; it is the Revenue Authorities who are reprimanded for delays, and there are really no means of making the Curnums do the work required of them. It is true that they may be punished by Civil Courts for failing to produce certain accounts; but I doubt very much whether this can be legally done in the instances given in the Proceedings of the Board which accompanied your letter under reply, and even if it can be, the machinery by which it is to be effected is cumbrous in the extreme.

4. For instance, one of these Curnums is called upon to furnish an account and fails to do so; the Tahsildar of the talook writes to me, I have to write to the Collector, the Collector to the Civil Judge, the Civil Judge probably knows nothing of the case and has to hold an inquiry, a proceedings is then passed; this is communicated to the Collector, who communicates it to me, and I do the same to the Tahsildar, and three or four months probably pass before the man is, if he can legally be, punished; and the end of the matter is that, if I had fined him at once a rupee, it would have had more effect than if the Civil Judge imposed a fine of Rupees 10.

5. I am, therefore, most decidedly of opinion that it would be far better if the Curnums of all settled estates were placed, as regards the Revenue Authorities, on the same footing as those of Government villages. I feel assured that if this arrangement was made, business would be transacted more easily, and that there would be less ground for complaint than now exists.

6. I would suggest that the Proprietors of Estates should be permitted to fine their Curnums for neglect of duty, or disobedience of orders. At present the law does not appear to give them any authority to do this.

(True Copy.)

(Signed) C. N. POCHIN,
Collector.

Exd. J. Wright.

From J. D. ROBINSON, Esq., Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 3rd December 1868, No. 404.

I HAVE the honor, with reference to the Proceedings of the Board, dated 18th September last, No. 6,655, to state that, in its practical working in this district, the present system under which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts is more or less obstructive, and is, in my opinion, gradually becoming more and more inapplicable to those closer and more delicate relations which are arising between the Proprietors and the Officers of Government out of recent measures of finance, sanitation, and the more frequent requisitions for statistical information of all kinds.

2. I should, perhaps, speak more correctly if I said that Regulation XXIX. of 1802 was practically inoperative in this district, except in respect of the exemption from all control on the part of the Revenue Authorities, which it virtually confers on Curnums in Proprietary estates.

3. The Board have had recent instances before them, showing how almost nominal even is the authority which vests under the Regulation in the Proprietors in respect of this class of their servants.

4. The Curnums know well that the machinery which the law provides is far too cumbrous and costly to be set in motion against them, and are thus virtually almost as independent in their relations to their immediate masters, as they are to the Officers of Government. The only Sections in the Regulation, as it now stands, which appear to give the Collector any power of interference, are Sections 6 and 8, and these are in practice a dead letter. Meanwhile, all requisitions through the Proprietors for Census, Mortuary, Road Cess, and such like Returns are so tardily obeyed that unless Sections 12, 13, 14, 15, and 16, are so far modified as to bring this class of Curnums under the more direct control of the Officers of Government, punctuality or accuracy can never be continuously or effectively enforced.

5. I might cite for example the recent case discussed in the Board's Proceedings, dated 7th April 1868, No. 2,602. In giving effect to the Board's instructions, Mr. VansAgnew sent direct for the Curnum to this office. The Curnum, it so happened, obeyed the summons, but had he refused to do so, the Regulation, as I read it, gave Mr. VansAgnew no power to compel his attendance or to punish his contumacy.

6. The difficulty is probably not confined to this district alone, and with the reports of the other Collectors before them, the Board will be in a position to judge whether the time has not arrived for some modification of the existing law. The power of dismission might still remain with the Civil Courts, and the Zemindar continue to be the channel through which all requisitions should be made; but the Collector should be empowered to enforce such requisitions by fine and suspension in all cases of disobedience and contumacy.

Exd. T. Cartledge.

From C. W. READE, Esq., Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 10th May 1869, No. 96.

In reference to Proceedings of the Board, No. 6,655, dated 18th September 1868, I have the honor to state that there being no Zemindaries in this district it seems unnecessary for me to offer any opinion as to the practical working of the system under which jurisdiction over Curnums in permanently settled estates is vested in Civil Courts.

Exd. J. Tulloch.

From G. L. MORRIS, Esq., Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Vallam, 14th November 1868, No. 240.

With reference to the Board's Proceedings, dated the 18th September 1868, No. 6,655, I have the honor to state that there are no permanently settled estates in this district, but that as regards the unsettled estates which exist, difficulties are doubtless experienced in obtaining information on matters such as those mentioned by the Board.

2. I can see, however, no great advantage in this respect by the control over the Curnums in these estates being vested in Collectors, inasmuch as the power of appointing them rests and must necessarily rest with the Poligars.

3. I think the best plan would be to make it incumbent on the Poligars themselves to furnish such information as the Collector may from time to time require, the same being, in the event of default on their part, obtained by means of such special agency as it may be found necessary to employ for the purpose, at their expense.

Exd. T. Cartledge.

From G. BANBURY, Esq., Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated Voitallagudalur, 28th October 1868, No. 204.

In reply to Board's requisition, dated 18th September last, No. 6,655, I have the honour to state that no great amount of trouble is experienced in this province by the authority over Curnums in settled estates being vested in the Civil Courts.

2. If the Regulations were strictly adhered to, no doubt we should undergo delays and difficulties, for instance during Court's adjournments, etc.; but practically there is almost universally a good understanding between the respective Tahsildars and the Zemindars, so that we obtain what we require pretty nearly as easily as from our own Curnums.

3. The means used to insure attention and punctuality are perhaps not strictly legal; but I conjecture this is very much the case elsewhere, as I cannot trace a single instance in this district of a fine or penalty being inflicted by the Civil Courts under Section 16 of the Regulation, neither can I call to mind any instance in my own experience.

Exd. J. Wright.

From J. R. ARBUTHNOTT, Esq., Officiating Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 2nd February 1869, No. 32.

WITH reference to the Proceedings of the Board, No. 6,655, dated 18th September 1868, calling for the opinion of Collectors on the practical working of the system under which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts, I have the honor to state, that owing to the slowness and expense of the procedure and the doubtfulness of the result, the Civil Courts are but little used for the punishment or removal of ill-conducted Curnums. The consequence is, that they are comparatively independent, and are, therefore, most difficult to manage.

2. This has been much felt in our Zemindaries when information, with regard to the registration of births and deaths, or data for the preparation of Road Cess Accounts, has been required; and I would most strongly advocate the amendment of the present law by placing Curnums under the direct control of the Revenue Authorities.

Exd. F. R. Bantleman.

From C. T. LONGLEY, Esq., Acting Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated Trichendur, 27th April 1869, No. 172.

I HAVE the honor to reply to Board's Proceedings, No. 6,655, dated 18th September last.

2. Under Regulation XXIX. of 1802, Collectors have no voice either in the nomination or dismissal of Curnums employed in permanently settled estates, they very naturally consider themselves independent of the Collector and are in consequence utterly indifferent in responding to calls of a Collector, not only in the instances alluded to in Proceedings under reply but also in furnishing necessary accounts for sub-division of an estate as laid down in Section 13, and this disregard and indifference is further induced from the fact that Collectors have to establish to the satisfaction of a Civil Court, any charge they bring against a Curnum, who feels pretty confident that the Collector will be solely tried before he resorts to so tedious a tribunal.

3. In support of this, I would point to the absence of any prosecution against Curnums except in cases of very gross misconduct.

4. I think it is equally necessary to secure promptitude in the submission of returns and production of accounts from Curnums in permanently settled estates as well as from those of Government villages, and as the law now stands, it is powerless to compel their punctual submission, I would make all Zemindary Curnums *legally bound* to furnish all returns required of them.

5. Section 16, Regulation XXIX. of 1802 might be extended to provide for the *summary punishment* of Curnums refusing or delaying to furnish such returns.

Exd. G. A. Turton.

From A. WEDDERBURN, Esq., Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 6th November 1868, No. 299.

In reply to the Proceedings of the Board of Revenue, dated 18th September 1868, No. 6,655, I have the honour to state that no practical difficulties have been experienced in this district in getting any accounts that were required from the Curnums of settled estates. Such estates are, however, in this district, small Poliputs, and not large Zemindaries.

2. As regards the general subject involved in the jurisdiction over such Curnums being vested in the Civil Courts, and in reference to the alleged failure of Zemindary Curnums to furnish Statistical Returns, not contemplated in Section 11, Regulation No. XXIX. of 1802, it would seem advisable to pass a Declaratory Act, that such Curnums should be required to furnish such Statistical and Agricultural Returns as may be required by Government; or, by repealing Regulation No. XXIX. of 1802, to place such Curnums under the jurisdiction of the Collector.

3. The object of removing the Zemindary Curnum from the jurisdiction of the Collector, is stated to have been the fixity of the Land Revenue, which was no longer to be evaded by attempts to get remissions under pretext of temporary calamities, (bad seasons, I presume,) consequently, there being no object to falsify accounts, checks on accounts were no longer necessary; but the office of Curnum was retained in the interest of the people (query ryots) of the Court of Justice, and of the Revenue administration.

4. It is not clear in what way the functions of the Zemindary Curnum differ from those of the Ryotwary Curnum, nor why, in respect of these functions, they should be exempt from the authority of the Collector.

5. The morality of Zemindary and Ryotwary Curnums must be much on a par; when trust is reposed, it is occasionally betrayed. In the case of the Ryotwary Curnum, a complaint speedily leads to a local examination by the Tahsildar of the talook, and, if proved, to conviction by the Collector.

6. The party aggrieved by the Zemindary Curnum has to file a suit in a distant Court, and will obtain a decision in course of time; but there is all the difference in the treatment of the case between Criminal and Civil procedure, not to mention the expense of a Civil Suit.

7. The reports from my Division Officers are annexed.

Enclosure No. 1.

From A. McC. WEBSTER, Esq., Acting Sub-Collector, to the Collector of Coimbatore, dated Congiem, 28th October 1868, No. 365.

With reference to your endorsement at foot of the Proceedings of the Board of Revenue, dated 18th September 1868, No. 6,655, I have the honour to state that there are only a few small Poliputs in the Sub-division.

2. No practical inconvenience has been experienced in the present system, by which the Curnums are placed under the jurisdiction of the Civil Courts.

3. The only case in which the Revenue Authorities might wish to examine the Curnums' accounts, other than those mentioned in Section 13, Regulation No. XXIX. of 1802, is that alluded to in paragraph 66 of the Memorandum accompanying the Resolution of the Government of India, Nos. 3,845, 3,854, dated 22nd September 1868. In that case we might grant a temporary relaxation of the demand, on the understanding that payment would be enforced in the ensuing year, unless the accounts of the Curnums showing that a corresponding remission had been granted to the ryots were produced. I, of course, presume that a Collector acting judicially under Act No. VIII. of 1865, has the power of demanding the production of the Curnums' accounts, bearing on the subject at issue.

Enclosure No. 2.

From C. A. GALTON, Esq., Acting Head Assistant Collector, to the Collector of Coimbatore, Coimbatore, dated 5th October 1868, No. 190.

Adverting to your endorsement on the Proceedings of the Board of Revenue, dated 18th September 1868, I have the honour to inform you that I can see no objection to placing Curnums in Zemindaries under the immediate authority and control of the Revenue Authorities, and rendering them liable to suspension and removal from office by order of the Collector, in the same manner as Curnums in districts of which the revenues are not permanently settled are subject to the revenue Authorities. At the same time, I have had experience of the practical working of the system under which jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts.

Exd. J. Wright.

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From H. S. THOMAS, Esq., Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 21st October 1868, No. 1,011.

With reference to the Board's Proceedings, dated the 18th September 1868, No. 6,655, I have the honour to state that the office of Shanbog, or Village Accountant in this district with which that of "Curnum" elsewhere corresponds, is not subject to the jurisdiction of the Civil Courts, there being no Zemindaries. The report called for by the Board is not, therefore, due from this district.

Exd. J. Wright.

Exd. J. Wright.

. J. Wright.

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From G. A. BALLARD, Esq., Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 1st October 1868, No. 280.

ADVERTING to the Proceedings of the Board of Revenue, dated 18th September 1868, No. 6,655, I have the honour to remark that there are no Zemindaries in this district, and that I have not had any opportunity of observing the practical working of the system under which the jurisdiction over Curnums in permanently settled estates is vested in the Civil Courts; but I am inclined to think that it would be more appropriate and convenient, and more conducive to the due discharge of their duties by the Curnums in question, if they were made amenable to the Revenue Authorities, instead of to the Civil Courts.

Exd. J. Wright.

J. Wright.

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From J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 12th October 1868, No. 41.

With reference to Proceedings of Board of Revenue, No. 6,655, dated 18th September 1868, I have the honour to report that there are no Curnums employed in permanently settled estates, or Zemindaries in the district of Neilgherries.

Exd. J. Wright.

Enclosure in the Proceedings of the Board of Revenue to the Secretary to Govt. R.D. dated 6th October 1869 N°7424.—

Rev: 3576/69

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No. 7,843.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st October 1869.

Read the following Proceedings of the Madras Government, dated 5th October 1869, No. 2,725, Revenue Department :—

No. 50. Read the following Proceedings of the Board of Revenue, dated 30th August 1869, No. 6,489:—

Read the following letter from the Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated Bimlipatam, 26th July 1869, No. 450.

I HAVE the honour to address the Board on the total want of machinery for collecting the various returns now required by Government in this Zemindary District.

2. The establishment allotted to each Deputy Tahsildar for all purposes consists of two Peons, of whom one has to be chiefly occupied as a Warder in charge of the Subsidiary Jail under the new rules.

3. The returns that each Deputy Tahsildar is required to submit are the following:—

1. Register of Births and Deaths, monthly.
2. Monthly Return of Indigo and Cotton cultivation.
3. Annual Return of Sugar-cane.
4. Census Returns.

These statistical statements have to be obtained from a number of scattered villages over a large extent of country from village officers, over whom the Deputy Tahsildars have little, if any, legal authority.

4. It has been reported to me by one of the Deputy Tahsildars that the impossible problem of collecting these returns without any establishment for the purpose has been solved in this way—When a return is overdue the Deputy Tahsildar sends a Batta Peon to the village servant from whom it is required, with a batta chit, notifying that so much a day is to be paid to the Peon until the statement is submitted.

5. On the practice being brought to my notice for official sanction I was compelled to order its discontinuance, and found on inquiry that the same system had been in force throughout the Zemindary limits since the preparation of these returns had been required.

6. I beg now to submit an estimate of the cost of paying for these Batta Peons, as prepared on my orders by the different Deputy Tahsildars of the district, which will at least show what they believe to be the amount hitherto exacted from the village officials, in compelling them to prepare the required returns.

7. The small sums entered against the talooks of Rayagadda and Gunapur arise from their belonging to the Jeypore Zemindary, where there are no Curnums or village officials by whom statistical returns can be got up, and they are consequently obtained *en bloc* from the Zemindar's Amil.

8. The remaining talooks of Jeypore above the hills are not included in the statement, as no statistics are professed to be prepared for those parts.

9. Statistical returns of this nature are valuable when correct, but it is easy to estimate the correctness of returns prepared, as those in this district must necessarily be, and which I fear are absolutely valueless for any purpose, however interesting the study of the figures supplied may be to heads of statistical offices at Madras.

10. It appears a mere waste of money to apply for funds for the purpose of collecting such returns. I allude specially to the Registers of Births and Deaths, for the correctness of which no one is responsible.

11. If, however, it be deemed necessary to continue forwarding these returns, and to obtain them through our Deputy Tahsildars from the village officers, the establishments of the former must be revised, and additional Peons be appointed to perform this additional duty to the extent of three each in the talooks of Vizianagram, Chipurpully, and Parvatipur, two in the talooks of Vizagapatam, Ankapally, Srungavarapukotta, Bobbily, and Viravilli, and one in each of the remaining six talooks.

12. The cost of the proposed 25 Peons, at the rate of Rs. 5 per mensem, will be Rs. 1,500 per annum.

ENCLOSURE No. 1.—Estimate.

THE Board resolve to submit this letter to Government, and inquire whether they are prepared to sanction the payment of Batta Peons employed to collect the returns referred to in this letter from Zemindary villages. If not the Board fear that the collection of such statistics must remain in abeyance.

No. 51. ORDER THEREON, 5th October 1869, No. 2,725.

Miscellaneous.

THE Government are unable to sanction the expenditure proposed by the Collector of Vizagapatam. Any expenditure which may be found absolutely necessary for obtaining vital statistics in Zemindaries and other permanently settled estates, should be included in the Board's proposals in regard to the general scheme which they have had recently under consideration in communication with the Sanitary Commissioner.

2. In the meantime the Board's attention will be drawn to the G. O., under date 14th June 1865, No. 1,310, and they will be requested to ascertain and report what action has been taken in the several districts on the instructions therein issued. If the proposals made by the Board in paragraph 15 of their Proceedings, and sanctioned by Government in paragraph 2 of their order above quoted, in regard to the recognition of a Government officer in all villages belonging to permanently settled properties, have been carried out the collection of statistical information should be greatly facilitated.

(True Extract.)

(Signed) R. A. DALYELL,
Actg. Secy. to Govt.

To the Board of Revenue, with an enclosure.

COMMUNICATED to all Collectors, who are requested to furnish the information called for in paragraph 2 of the Government Order at their earliest convenience.

(True Extracts.)

(Signed) A. MACGREGOR,
Acting Secretary.

(True Copy.)

(Signed) J. T. MAYNE,
First Assistant.

To all Collectors.

Exd. J. Tulloch.

Board of Revenue,
MADRAS.

PROCEEDINGS, 21st OCTOBER 1869, No. 7,843.

Read

Recorded

OCTOBER.
No. 7,843.

Statistical returns—from Zemindary villages in Vizagapatam District.—Proceedings of Government, declining to sanction proposed expenditure for payment of Batta Peons for collecting—, and requesting report as to action taken in the several districts for appointment of a head man in each village as ordered by Government, forwarded to all Collectors for report.

Exd.

1869.

Revenue Depart

53

From R. J. MELVILLE, Esq., Officiating Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated Vizagapatam, 2nd February 1870, No. 96.

I HAVE the honour to reply to the Board's Proceedings, No. 7,843, dated 21st October 1869.

2. In this district the instructions laid down in paragraph 15 of the Board's Proceedings of July 4th, 1865, No. 3,710, and approved of by Government in paragraph 3 of Government Order, No. 1,310, dated June 14th, 1865, have been, and are being, carried out as far as possible.

3. In some of the Zemindary villages there are no emoluments attached to the office of Moonsiff, though Sunnuds are given to those holding the office. Wherever the office is endowed, care has been taken that the person holding a Sunnud as Moonsiff is placed in possession of the emoluments. Shares of the office emoluments held by co-sharers are resumed on their death and made over to the Moonsiff.

4. In the Hill talooks of Rayagada and Gunupur many villages are without a Moonsiff, as the villages are small and scattered, and it is not possible to get fit persons for the post, nor are there any emoluments attached to it.

Exd. T. Cartledge.

From J. FRASER, Esq., Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 13th November 1869, No. 300.

WITH reference to the Proceedings of the Board of Revenue, dated 21st ultimo, No. 7,843, communicating the Order of Government of the 5th idem, No. 2,725, calling for report of w' at action has been taken on the instructions contained in the Order of Government, dated 14th June 1865, No. 1,310, communicated with the Board's Miscellaneous Circular, No. 77 of 1865, I have the honour to report as follows:—

2. In the Godavery District, in each of the Government, Zemindary, and Agraharam villages, there is but one head-man recognized as the Moonsiff and Village Magistrate by Government, except in a few villages of the jungle tracts, where there are no Moonsiffs, and none fit to hold such an appointment. These villages are mostly insignificant. In some parts of this district, the head of one village holds the same office for other small and contiguous villages. This office is generally held by a member of the family in which it is hereditary. Whenever a vacancy occurs in the office, the members of the last holder's family are carefully scrutinized to see whether the nearest heir is fit for the post; if so, he is appointed, and the emoluments either in land or money attached to that office are made over to him.

3. Non-residents are not employed in the office of Moonsiff, save in the one instance already quoted.

Exd. G. A. Turton.

From J. A. C. BOSWELL, Esq., Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 29th December 1869, No. 395:—

With reference to the Board's Proceedings, No. 7,843, dated 21st October last, communicating the Order of Government, dated 5th idem, No. 2,725, I have the honour to state that in this district the Moonsiff is invariably the head of the village and resides in it. There are a few instances in which one Moonsiff is the head of two villages when these are small and close to each other, and public convenience does not suffer.

2. There are Pettanadars in some villages who assist the Moonsiff in revenue matters, but they hold no authority recognized by Government.

3. When Moonsiffs are newly appointed a sunnud or puttah is granted to them. In filling vacancies care is always taken to appoint the heirs or relations of the late Moonsiff if there are found any competent to hold the post. As a class the heads of villages are generally illiterate, generally Sudras or Mussulmans. I have been urging upon them at the Jummabundy of each village the necessity of their educating their children if they wish them to succeed them in office. At present the Moonsiffs in the Bunder portion of the district are all honorary and receive no pay. In the Guntoor portion they have salaries ranging from Rupees 12 to 36 per annum. They commence with the former rate, and the most deserving have been gradually promoted to 18, 24, 30, and 36. These promotions have been lately stopped by the order of the Board, No. 4,226, dated 12th June 1869.

4. The Moonsiffs in permanently settled estates, agraharams, and mokhassas, are appointed and dismissed by the Collector. These men have neither Inams nor other emoluments attached to their office. In my letter, No. 337, dated 16th November 1869, I recommended that those Moonsiffs who are in charge of cattle pounds might be remunerated from pound collections. This has just been sanctioned in Board's Proceedings, dated 17th December 1869, No. 9,255, and I trust this will enable me gradually to secure a better and more intelligent class of men for this office.

5. When the heads of villages are totally illiterate and ignorant, it is useless to expect to obtain through their agency accurate or reliable statistics of any kind. All such statistics in Government villages are obtained through the Curnums and this we cannot do in Zemindary and proprietary villages, as the Curnums hold themselves most independent both of the Collector and the Zemindar, since they cannot be dismissed without an order of the Civil Court. The anomaly of their position requires to be dealt with by the Legislature, so as to make them amenable to control.

Exd J. Tulloch.

From R. J. MELVILLE, Esq., Acting Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 10th November 1869, No. 2,117:—

I HAVE the honour to acknowledge the receipt of the Board's Proceedings, dated 21st October 1869, No. 7,843, calling for a report as to the action taken on the instructions conveyed in Government Order, No. 1,310, dated 14th June 1865, for facilitating the collection of statistical information in villages belonging to permanently settled estates.

2. No complaints have been received regarding unauthorized resumptions of emoluments attached to the Offices of head-men in Zemindary villages in this district. There was thus no necessity to adopt any steps to enforce the instructions contained in paragraph 15 of the Board's Proceedings referred to.

3. Almost all the Zemindary villages are provided with a head-man.

Exd. G. A. Turton.

From J. H. MASTER, Esq., Acting Collector of Bellary, to the Acting Secretary to the Board of Revenue, dated Gooty, 26th February 1870, No. 44.

With reference to Government Order, dated 5th October 1869, No. 2,725, communicated in Proceedings of the Board of Revenue, dated 21st idem, No. 7,843, I have the honour to state for the information of the Board, that on receipt of their Miscellaneous Circular, No. LXXVII., dated 4th July 1865, No. 3,710, the late Mr. Hathaway, the then Collector, granted Sunnuds to the heads of all villages, as contemplated in paragraph 5 of the order of Government, alluded to above.

Exd. G. A. Turton.

From G. VANSAGNEW, Esq., Collector of Cuddapah, to the Acting Secretary to the Board of Revenue, dated 26th February 1870, No. 36.

ADVERTING to the Proceedings of the Board, dated 21st October last, No. 7,843, I have the honour to report that no action was taken on Government Order, dated 14th June 1865, No. 1,310, as none was necessary, there being a head-man to each village in this district.

Exd. G. A. Turton.

From T. A. N. CHASE, Esq., Collector of Kurnool, to the Acting Secretary to the Board of Revenue, dated 8th January 1870, No. 9.—

In reply to the Proceedings of the Board, No. 7,843, dated 21st October 1869, I have the honour to inform you that there are no Zemindaries or permanently settled tracts in this district.

2. There are a few Inam villages, but not the slightest inconvenience is felt in obtaining returns from them. The Curnum in each of these villages makes it his duty to attend to the preparation of these returns, and the village servants carry them to the Talook officers.

Exd. J. Tulloch.

From W. T. BLAIR, Esq., Acting Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 2nd June 1870, No. 199.

WITH reference to the Board's Proceedings of the 21st October 1869, No. 7,843, conveying the Order of Government, dated 5th idem, No. 2,725, calling for information as to what action has been taken in the several districts on the instructions contained in the Government Order, dated 14th June 1865, No. 1,310, as regards the recognition of a Government Officer in all villages belonging to permanently settled estates for the purpose of collecting statistical information, I have the honour to state that in this district there are no large Zemindaries. The permanently settled estates in this district consist of petty muttahs held on Istimirar Sunnuds There is a Moonsiff in each of the Muttah villages as well as in all villages held on Shrotriem or other favourable tenures.

2. The office of Moonsiffs in these, as well as in all Government villages, is honorary, there being no emoluments whatever attached to it.

3. The statistics connected with births and deaths and with the cultivation of special products, &c., are prepared in these villages by the Moonsiff, and in his absence by the Curnum. No difficulty has ever been experienced in this district, and should any difficulty hereafter arise, the means of overcoming it are supplied by Madras Act III. of 1869, empowering Tahsildars to summon persons to attend their Cutcheries for the settlement of matters connected with the revenue administration.

4. Under these circumstances, I see no necessity for recommending any paid agency for the collection of statistics in the permanently settled estates of this district.

Exd. T. Cartledge.

From C. N. POCHIN, Esq., Collector of Salem, to the Acting Secretary to the Board of Revenue, dated Kistnagherry Talook, 17th February 1870, No. 36.

I HAVE the honour to reply to the Board's Proceedings under date the 21st October last, No. 7,843, calling for information required in paragraph 2 of the Government Order of the 5th idem No. 2,725.

2. In the Muta villages in this district, the office of a Village Moonsiff is honorary and not invariably held by the Monigar or the Revenue head of the village. The reason of this is that no deduction was made in the Muta assets for the remuneration of a Monigar, though such a deduction was made in the case of Curnums and Toties. It was left to the Mutadar to employ a Monigar or not, as he chose, and there are several Mutadars who do not employ a Monigar, but make their collections through the Curnums or Gumastahs. It is, therefore, impossible to carry out the wishes of Government, contained in their order of the 14th June 1865, No. 1,310, in regard to the recognition of a Government officer, in all villages belonging to permanently settled estates.

3. Where a Mutadar has a Monigar for any village in the Mutah, the Monigar is invariably chosen as the Moonsiff; and I may also mention that there are several cases in which a Mutadar himself holds the office of Moonsiff.

Exd. T. Cartledge.

From J. D. ROBINSON, Esq., Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 7th March 1870, No. 84.

ADVERTING to the Proceedings of the Board, dated the 21st October last, No. 7,843, I have the honour to state for their information that in the three Zemindaries and Jaghire noted in the margin the post of Monigar and Moonsiff is held by one and the same person in 1,210 villages. In the other 107 villages these offices are registered in the names of two different persons, the Monigar having the Revenue duty and the Moonsiff the Civil and Criminal business of the village.

Karvetnugger.
Kalastry.
Punganoor.
Arnee Jaghire.

2. This sub-division of the office has of late years been steadily discouraged, and it may be confidently assumed that, as feelings of independence and a fuller appreciation of right become general, this important office will gradually come into closer conformity with the provisions of the law in the proprietary estates as it has in the Government talooks.

3. Meanwhile the instructions conveyed in paragraph 15 of the Board's Proceedings of the 4th July 1865, No. 3,710, are being borne in mind, and all unauthorized resumptions *which come to notice* are cancelled, and the office and emoluments re-consolidated in the hands of the rightful head man of the village or union.

4. The Zemindary of Cangoondy is, however, quite exceptional. In it the villages are rented and there are no Monigars, nor does there exist any provision for the maintenance and remuneration of such an office. The consequence is that the functions of Village Moonsiff vest either in the Curnums and renters as circumstances may determine.

5. As regards the collection of statistical information in these estates, the difficulty of obtaining periodical and other returns has already in a great measure disappeared. Looking, however, at the machinery and the means of working it in Government interests I fear these returns must continue to lie under considerable suspicion as to their accuracy and value for official purposes.

Exd. J. Tulloch.

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From C. W. READE, Esq., Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Valavanoor, 7th March 1870, No. 57.

With reference to the Proceedings of Government, under date the 5th October 1869, embodied in the Proceedings of the Board, dated 21st October 1869, I have the honour to state, that there is in each village throughout this district, one Headman or Village Moonsiff, and that the Statistical Returns are obtained through him.

Exd. G. A. Turton.

From W. F. HATHAWAY, Esq., Acting Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Vallam, 9th March 1870, No. 80:—

WITH reference to the Board's Proceedings, No. 7,843, of the 21st October last, I have the honour to report that there are no Zemindaries or similar permanently settled estates in this district. There are thirteen unsettled polliems which have officers who are Moonsiffs and Heads of villages: they are appointed and dismissed by the divisional officer, but the post is purely honorary, as there are no emoluments either in land or otherwise. Little reliance, however, could be placed on statistical information furnished by such subordinates, as there is little incentive to their attending to orders sent them on such matters.

Rxd. G. A. Turton.

From G. BANBURY, Esq., Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 7th January 1870, No. 4.

With reference to the Proceedings of the Board of Revenue, dated 21st October last, No. 7,843, calling for a report as to what has been done in pursuance of the Order of Government, dated 14th June 1865, No. 1,310, I have the honour to state that, in almost all the villages situated within the several Zemindaries in this district, the office of Village Mooneiff has all along been held by the headmen of the village. Vacancies occurring in this office have, as a rule, been conferred on the village headmen, and I have experienced no difficulty in obtaining statistical returns from Zemindary villages.

2. I learn that these head men are in the enjoyment of the lands and other emoluments attached to their office, and I do not apprehend there has been any improper resumption of such lands by the Zemindars. At all events no such instances have come to my notice, as they no doubt would have done had aught of this nature occurred. Orders have again been issued to the several Divisional Officers to institute special inquiry into the matter.

Exd. J. Tulloch.

From J. R. ARBUTHNOTT, Esq., Officiating Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 14th February 1870, No. 40.

79

ADVERTING to the Proceedings of the Board, No. 7,843, dated 21st October 1869, I have the honour to report that in all the villages of the settled Zemindaries in this district, there are Heads of villages called Nattamagars, or Ambalagars, who are appointed by, and are under the authority of, the Divisional Officers, as representatives of Government. In almost all cases these officers have received sunnuds as Village Moonsiffs.

Exd. T. Cartledge.

From C. T. LONGLEY, Esq., Acting Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated 21st January 1870, No. 17.

With reference to paragraph 2 of the Government Order, dated 5th October 1869, No. 2,725, embodied in Board's Proceedings, dated 21st idem, No. 7,843, I have the honour to inform you that the Curnum, both in the Ayen and Zemindary villages of this district, is the only recognized village officer from whom the Returns of births and deaths, etc., are received.

2. I am glad to be able to report, that I have experienced no real difficulty in working with his class of village officers, and the returns, as a rule, are received punctually.

Exd. T. Cartledge.

From J. W. BEST, Esq., Acting Sub-Collector, in charge of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 2nd June 1870, No. 131.

In reply to Board's Proceedings, dated 21st October 1869, No. 7,843, I have the honour to report that the permanently settled estates in this district consist of Poliputs, that every village in these Poliputs has its headman, and that no difficulty is experienced in obtaining returns from the Curnums of these villages.

Exd. T. Cartledge.

From J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 7th February 1870, No. 21.

85

Your Official Memorandum, No. 108, dated 31st instant, calling attention to Board's Proceedings, dated 21st October 1869, No. 7,843.

In reply, I have the honour to inform you that there are no permanently settled estates on these Hills.

Exd. T. Cartledge.

From H. S. THOMAS, Esq., Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 14th February 1870, No. 165.

With reference to the Board's Proceedings, dated the 21st October 1869, No. 7,843, I have the honour to state that there are no Zemindaries or other permanently settled estates in this district, and consequently there is no occasion for enforcing here the orders of Government directing the recognition of a Government officer in all villages belonging to permanently settled properties with a view to facilitate the collection of Statistical information therein.

Exd. T. Cartledge.

From A. McC. WEBSTER, Esq., Acting Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Badagara, 10th February 1870, No. 59.

89

With reference to the Board's Official Memorandum, No. 108, of 3rd instant, I have the honour to report that as there are no Zemindaries in this district, a reply to the Board's Proceedings, dated 21st October 1869, No. 7,843, was unnecessary.

2. If a reply is desired, I beg that I may be favoured with a copy of the Government Order, dated 14th June 1865, No. 1,310, as it does not appear to have been sent to this district.

Exd. T. Cartledge.

THE Board resolve to submit this letter to G

Rec: 1897/70

Enclosure in Bds. Ltr
to Govt. RD 87 15 June 97
No 4149.

I have on two occasions made
here.
The first is the difficulty ex-
perienced in procuring correct
& regular returns of Vital &
other Statistics from Jurisdic-
Councils. It is no part of the
duty of such Councils to make
render such returns & the law
practically protects them
from all prosecution. I
understand that though the

Co-deration of the Commissioners
there difficulty is taking some
what lessened now and further
improvement may be anticipated. And by no means
-pated. I am not in favor of
any change in the Law at
present. though I do not see the
reason why all that can
be desired - that the cause of
our thus you or two, to learn the
your own of the public expenditure
the purposes for which Vital
Statistics are required is di-

-rected. and their sufficiency & propriety examined. it will be necessary. I think, to provide by law for the collection of these statistics all over the country & make it the duty - under penalty of those in whose hands the duty to report them to the Secretary of State within a stated period & some for this duties - and to make it the duty of each of that duties to register such events - and it would be well if some of them in common law carried I do not think we can get the

this state - for there can be no
doubt that in the minds of the
Framers of the Constitution at least there
is an eminent & dominant
principle & distinction to prevail
that of religion & political
superstition - that such a
law is enacted, it will be
for consideration on what
ground - there differ - between
other - the duty of the pirate when
he is detected - & not be enforced,
if any - should be

York &c. &c.

The other question is the virtual
immunity which Jewish Sunday
Observers enjoy for work done
on that day ××1× of 1802. Under
this statute the offence can
not be punished otherwise than
by the initial - and then only
by sentence of a Civil Tribunal,
at the instance of the Jew-
dar alone. It is obvious that
there can be no less cause for
neglect of duty - the badness
of law & order - and other

the other hand, look out only to things which ought to be punished - but to passing events relating to the irregular manner, which they undoubtedly [illegible] concerning their Canons - the Writ of denial of an easily obtained legal remedy is naturally [illegible] to indirect & irregular methods of redress. It is a fact that our Journals do not now become the Courts for the punishment of Crimes - and as we cannot be blind to these abuses & [illegible] universally immediate the

THE Board resolve to submit this letter to C

the natural influence of the
person & commercial views of
this Institution, friendly to the
Law.

The Union Canal Company
that by Law the Governor is the
only person to his Canal authorized
to receive in the Capitol to a
Corporal Disciplinary operates
principally in another way. The
Canal is intended to be a
protection to the rights against
the Invasion - this by the Law
Commits on the hands of their Rights

But

Under the Governor is the
only person who can call in
Principal, the Canal naturally
led to ingratiate himself with
the Governor - who of course, by
finds it to his advantage &
convenience to be on post term
with the Canal. The Law thus
itself provides in Report
for the counteraction of its own
design. Again the Law hands
the means of ascertaining
whether a Canal really per-

THE Board resolve to submit this letter to

- forms the Duties attaching and to
him by Law - in fact - the first
steps in the way of any
such investigation - and although
his remedy is better by the
whole interests to be affected
by a Change in the Law -

I think there has been
a change in the Law since
which - which shall affect
a Case - as the Duties whether
in part or conferring practical
immunity from Punishment

for his conduct - and a limit
shall affect of the per-
formance of his Duties have
been - Regarded

If the Collectors might
be tested with Reference to fine
fines or Censures in the
certain period limit or to
be shewn them for stated Causes
after formal enquiry - for Neglect
of Duty - Connivance Connivance
by fine in Law or by Act - an ab-
sent lying to the Board of Trade

within 6 months.

Dismissal might be left to the Court - power to be exercised by Extended to the Clerk - This would be a valuable protection and pending the suit, a temporary Receiver might be obtained by Examiner.

The Clerk of his own motion - or at the instance of Examiner. Should have power to examine Current account - or to direct by a Special Agent - to call to Explain the Current doing his work carelessly. Should be kept that a Draft Note be prepared accordingly by Court, that the

4/

105

Dept of Revenue be instructed to obtain fuller information by sending Examiners to Current - Number & Circulation - also the number of Villages which are without Current.

J. D. L.

ENCLOSURE

HE Board resolve to submit this letter to

Revenue Depart

№ 595

Proceedings of the Madras Government
Under date the 12th April 1872

Read the following
Proceedings of the Board
of Revenue.

Submitting reports from Collectors and Superintendents of Army Schools on practical working of System under which jurisdiction over Curnums in permanently settled Estates is vested in Civil Courts &c. | R. C. 6th October 69. № 7,424.

Resolving to continue collection of Statistics in Zemindary villages through heads of those villages. | R. 15th June 1870. № 4,149.

In the first Proceedings recorded above, the Board of Revenue reported that owing to certain difficulties

[illegible] which has occurred
in the collection of Statistics
from Zemindars, they addressed
the Collectors of Districts
calling for their opinion on
the practical working of the
existing system under which
the jurisdiction over Zemindars
in Permanently Settled estates
is vested solely in the
Civil Courts. They submitted
with the same Proceedings,
the replies of these Officers,
and adverting to the generally
unsatisfactory nature of the
State of matters disclosed,
they recommended that
Regulation XXIX of 1802
should be modified, and
that Zemindary Cutcherries
should be rendered
Summarily responsible to
Revenue Officers for acts
of misconduct injurious

to

to Ryots, and for neglect
to render Statistical
returns called for by the
Board and Government.

Previous to the
receipt of these Proceedings,
the difficulty which was
felt in the collection of
Statistical returns in Ze-
mindary estates had been
brought to the notice of
Government in the Board's
Proceedings under date
30th August 1869, and in
the order thereon dated
5th October 1869 No 2725,
the Board's attention
had been drawn to the
order of 14th June 1865
No 1,310, with the remark

that

that if the proposals of the Board which were sanctioned in para 2 of that order, in regard to the recognition of a Government Officer in villages belonging to permanently Settled properties, had been carried out, the collection of Statistical information would have been greatly facilitated. The disposal of the first paper above recorded was accordingly deferred until the receipt of the Board's reply to the order of Government dated 5th October 1869. No 2726.

In

In the Board's Second Proceedings above recorded they replied to this order, and submitted reports from the Collectors of Districts stating that as a matter of fact no opposition had been manifested either by Proprietors or Heads of villages to the collection of statistics, and that the difficulties in obtaining them had diminished, considerably. They expressed their belief that by

dues

c 10 Apl 72

due encouragement and considerate treatment, much might be done to improve the position of the heads of Villages in Zemindaries and to make it a point of honour and that the ground already gained during the last few years in the matter of collecting vital and other Statistics in Zemindaries should be maintained.

The

The Govt observe that there are two questions involved in this matter.

The first is the difficulty experienced in procuring correct and regular returns of Vital and other Statistics from Zemindary Curnums. It is no part of the duty of these Curnums to render such returns, and the Law practically protects them from all punishment. The Govt understand that through the Co-operation of the Zemindars this difficulty is somewhat lessened now and further improvement may

may be anticipated, and they are therefore not in favor of any change in the Law at present, though doubtless the returns are not all that can be desired. In the course of another year or two, when the ignorance of the people regarding the purposes for which Vital Statistics are required is dispelled, and their suspicion and prejudices removed, it will probably be necessary to provide by law for the collection of these statistics all over the country, to make it the duty, under penalty, of those in whose households births and deaths occur to report them within a stated

stated period to some public officer, and to make it the duty similarly of that officer to register such events, and to render returns of them in manner prescribed - When such a law is enacted it will be for consideration on what officer, Monsieur Kurnum or other the duty of registration should be imposed - what remuneration - if any - should be assigned for the work &c &c

The other question is the virtual immunity which Zemindary Tarnums enjoy for misconduct under

under Reg: XXIX of 1802.
Under this Statute a Zumma
cannot be punished otherwise
than by dismissal, and
this only by sentence of a
Civil Tribunal, at the instance
of the Zemindar alone.
It is obvious that there are
numberless cases of neglect
of duty, disobedience of
lawful orders, and other
petty misfeasances for
which a fine or temporary
suspension would be
sufficient punishment,
but for which dismissal
would be far too severe,
and which a Zemindar
would

would rather pass without
notice than incur the expense
and trouble of bringing before
a Court of justice. Again
the inconvenience ~~and the~~
~~indignity~~ which these
cumbersome process
entails may, it is to be
apprehended, lead not-
withstanding only to ~~these~~ which
entail
ought to be punished
passing unpunished,
but to Zemindars resorting
to the irregular means
which they undoubtedly
possess, of coercing their
ryots, the virtual
denial of an easily
obtained legal remedy
naturally

naturally induces resort to irregular methods of redress. It is a fact that the Zemindars do not have recourse to the Courts for the punishment of Curnums, and as it cannot be supposed that these offices are universally enimacu-
-late, the natural inference is that offences go unpunished owing to this peculiar provision of the Law.

The circumstance that by Law the Zemindar is the only person who can institute proceedings in the

the Courts for a Curnum's dismissal may also operate injuriously in another way. The Curnum is intended to be a protection to the ryots against the Zemindar, his books and accounts are the record of their rights &c. But as the Zemindar is the only person who can cause his dismissal, the Curnum is naturally led to ingratiate himself with the Zemindar, who, of course, must also find it to his advantage and

convenience

convenience to be on good
terms with the Curnum -
The Law thus itself pro-
-vides inducement for
the counteraction of its
own design - Again,
the Law provides no
means of ascertaining
whether a Curnum
really performs the
duties assigned to him
by law - in fact -
imposes obstacles in
the way of any such
investigations, and
affords no remedy what-
-ever to ryots whose
interests may be
affected

affected by a Curnums
delinquencies -

12

The Govt are therefore
of opinion that a
change in the Law is
requered, which shall
afford a Curnum all
due protection without
conferring practical
immunity from punish-
-ment for misconduct,
and which shall admit
of due performance of
his duties being ensured.

They are disposed
to think that Collector
might be vested with
power

power to inflict fines on Curnums within a certain limit or to suspend them for stated periods after formal Enquiry, for breach of duty, coming within their own cognizance, or brought forward by Zemindars or ryots – an appeal lying to the Board of Revenue within 6 months.

Principal might be left to the Courts – power to prosecute being extended to the Collector, which arrangement would

would afford ample protection; and pending the decision in the suit a temporary Curnum might be appointed by the Zemindar. The Collector of his own motion or at the instance of the Zemindar, should have power to examine Curnum's accounts, or to do either by a special Agent, so as to ensure the Curnum doing his work properly. The Govt request the Board to prepare a draft Bill according

accordingly and desire
that they will obtain
fuller information regarding
Zemindary Curnums,
their number and
Emoluments, and also the
number of Villages which
are without Curnums &c.
The Bd. Letter as forwarded
by them obtain
Extract the opinions
of the principal
& most intelligent
Zemindars on
the proposed legislative
Measure.

I would call the Board
to Mr. Ravis the information
suggested in the concluding
para of the Ltr: namely
the opinions of the principal
& most intelligent Zemindars

M

14. Board of Rev. Dep.
15 April 1793