M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1115 — Press ~~Mis.~~

265. 266

Dated 17 — 5 — ~~19~~ 1867

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 17th May 1867.

No. 265. Read the following Proceedings of the Board of Revenue, dated 7th May 1867, No. 2,799.

Read the following letter from the Collector of the Kistna District, to the Secretary to the Board of Revenue, dated Masulipatam, 30th March 1867, No. 88:—

1. With reference to the Board's Proceedings, No. 8,153, dated 12th November, calling for report as to what steps have been taken regarding the inefficiency of the Government Vakeel in the Guntoor Court, I have the honour to state that, as by Government Order, 8th December 1865, No. 2,995, the conduct of the Vakeel was specially ordered to be referred to the Judicial Department, it did not appear to the then Acting Collector that it was within his province to take any action in the matter. Although the Government Vakeel at Guntoor was unfavourably spoken of by the Government Pleader in the case in question, I believe that he is equal to the general run of men in his position, and that his work, both Criminal and Civil, is usually well performed.

Government Proceedings, 2nd November, No. 2,969.

2. The Civil and Session Judge informed me that in Criminal cases he prosecutes fairly; the chief drawback to his efficiency being his ignorance of English.

3. In reference to the Proceedings of Government now under reply, I again asked the Judge for his opinion, and beg to forward copy of his reply.

4. I pointed out to the Vakeel the unfavourable nature of Mr. Dale's report, and he submitted a very lengthy explanation of the conduct of the whole case, which I beg to forward herewith in translation.

5. Adverting to the long-standing in office, and the excellent character of the Government Vakeel, as well as to the fact that his duties are generally conducted with diligence and fair ability, I do not think any further notice necessary.

From the Civil Judge of Guntoor, to the Collector of the Kistna District, dated 14th February 1867.

In reply to your letter of the 1st December 1866, and your Memorandum of the 8th instant, asking my opinion as to the general efficiency of the Government Vakeel, Tolety Purushottamayya, in the conduct of Civil cases in this Court, I have the honour to state that I consider him neither better nor worse than the same class of officers that I have met with in Salem, Chittoor, and Tinnevelly. He is exceedingly anxious to do his best, that I must say for him, and if he fails or falls short in any respect of what is required of a Law Officer, it is because he has had no legal education, cannot read or write English, and consequently cannot study any English work for his improvement, or use one for reference in cases of difficulty and importance. He is held in very general and, I believe, deserved respect. He has filled his present post thirteen years, and has been in Government service altogether twenty-nine years. In making my return to the call of the Honourable L. C. Innes, for my opinion upon the changes necessary in a revision of the Court Establishments of this Presidency, I submitted my views of the only course which can or will remedy existing defects, and in these words: "The Government Vakeel prosecutes Criminal cases, and for this duty receives "a fee of from Rupees 5 to 10 for each case, or perhaps an average of Rupees 50 per mensem. His "present salary is Rupees 21, making Rupees 80 as the outside of his whole income in this Court "at any rate. It has always concerned me that this officer was so badly paid, for he has no doubt

"enormous powers placed in his hands as a public prosecutor which he may turn to his own advan-
"tage if evilly disposed, and it would, therefore, be a great gain to our Criminal administration, I
"believe, if he were adequately salaried, say Rupees 100 per mensem, and his fees, but with this
"salary, I would propose that it should be indispensable that in future every incumbent should be
"a native who had taken his B. L. degree. The Government Vakeel institutes and defends suits
"on behalf of, and against the Government, and has to attend to the several calls of the Collector."

In Civil cases in which the Government is concerned, their Law Officer will always appear to his pecuniary disadvantage, for he will be receiving five per cent., while the plaintiff is possibly paying twenty per cent. or even more on the value of the suit, but no doubt if the monthly salary were raised to anything like a fair remuneration, he would be content to forego any extraordinary chances of enriching himself for the certainty of an adequate fixed salary and a Government pension after so many years service. I think that an able native Vakeel in this Court would make on an average three hundred Rupees a month by his profession, and an European of ordinary legal attainments considerably more. It, therefore, seems clear to me that, if Government desire to be well and efficiently served, they must be prepared to salary an officer to such an extent as will make him on the whole indifferent in a money point of view, whether he be for or against the Government in such cases as it may have in Court. The private practice of a Government Vakeel is always very good in a Court, and for this reason he, no doubt, feels it hard on him occasionally, that he is obliged from his position to forego a good fee or a series of fees which he would have secured if not trammelled by his office under Government.

ENCLOSURE No. 2.—Explanation of Government Vakeel.

Submitted to Government, with reference to their Order dated 2nd November 1866, No. 2,969.

No. 266.

Miscellaneous.

ORDER THEREON, 17th May 1867, No. 1,115.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Rec'd 2nd November 1866 No. 36-37
" 8th January 1867 " 33-34

Rev. 1867. Department.
Pro. of Govt for allow

No. 1220.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 7th May 1867.

Read the following letter from the Collector of Kistna, No. 2,799, dated 18th April 1867.

Submitting letter from Collector of Kistna District stating that as the Government Vakeel has borne a good character for diligence in conducting duties of his office no further notice ought to be taken regarding complaint of inefficiency brought against him by Mr. Dale, Government Pleader.

No. 1115-17th May
Write order

Copy to the Collector of the Kistna district.

Exd. J. Wright.

No. 2654266