Revenue (189) Department.

MISCELLANEOUS SERIES.

G.O., No. 1672

DATED 26th March 97

[Despatch Abstract.]

Considering that the present position of Sub-Collectors in this Presy: needs improvement, and requesting the Board of Rev: to report after consulting a few selected Collrs: if there is any objection to the restoration to Sub-Collectors of certain powers which have been taken away from them.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.R.O.	6246	97					

Revenue (1896) Department.

CURRENT No. 9056

From Public Department

Office note No. 2595

Dated 9th December
Received 10th December } 1896
Registered 10th December

Enclosures G.O. 1220-1 (Public Dept)
+Public Cir no. 3015 with notes in original

Spare copies

Order

SUBJECT.

Requesting to take the necessary action with reference to the direction of the Hon. Mr Grose C. J. R. of 10th Oct 1896 at the foot of page 9 of the notes attached to Public Cir No. 3015 as regards the note to be prepared on the position of Sub. Collectors.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[73]
500—1-8-96.

PUBLIC DEPARTMENT.

OFFICE NOTE No. 2595

Dated 9th December 189 6.

10 DEC 96
PUBLIC DEPARTMENT

From

THE CHIEF SECRETARY,

To

THE SECRETARY, REVENUE DEPARTMENT.

Will you please take the necessary action with reference to the ~~note~~ direction of the Honourable Mr. Grose, C.I.E., dated 10th October 1896, ~~which is en-~~ ~~dorsed in~~ by His Excellency the Governor at the foot of page 9 of ~~those~~ the notes attached to Public current No. 3015 as regards the note to be prepared on the position of Sub-Collectors.

A Armidale.
Ag: Chief Secretary.

C Bell 6.x1

A.L.H. 6/xii/96

Note for office

To be sent with the original of the G.O. after issue of the letter.

1,000--11-6-96.

REVENUE DEPARTMENT.

C. No. 9056 of 1896

From: the Public Department

Dated 9th December 1896.

FOR ORDERS.

The following note regarding the powers & position of Sub Collectors in this Presidency is submitted with references to the directions at pp. 9 & 10 of the notes under G.O. ✓ 14 November '96 No 1220 Pub.

2. The earliest orders of Government regarding the relative position of Sub. Collectors & Principal Collectors are embodied in the Circular Order of the Board of Rev. ✓ 23 Dec. 1822. Their position is defined therein as follows:-

"A Sub Collector & Magistrate is, in every respect, as completely under the authority of the Principal Collector, as any Assistant is. It is his duty to obey, not to discuss the orders of his superior. It is not likely that he will ever receive from him any order which it will be improper to execute but even should anything so extraordinary

As Sub Collr. is an officer of long service & high position who shortly have to fill the posts of a Collector, & he will therefore be trained for that place by exercising as much of the powers & undertaking as much of the responsibility of a Collr. as he can. The extent to which (flagged A.) they can be entrusted to him is limited by the fact that the Collr., being the chief officer of the district & being responsible for the whole of it, must have (flagged B.) a general power of control & revision over the Sub. Collr. as well as the Head Assistant & the Assistants or Dep. Collrs. in charge of divisions. Though, as the See says, the Sub Collr is as much under the control as an Assistant, the Bd was not wrong in declaring that his position is not & was never intended to be that of an Assistant -- i.e. of an Assistant who has not risen to the Head

occur, it is his Duty to state his sentiments respectfully to him & should he persist in his former opinion there ought to be no reply, but an appeal, if necessary, should at once be made to superior authority. The Sub Collector can never be permitted to enter into controversy with his Principal or to seek to put him in the wrong. Every such attempt will always be marked by the displeasure of Government.

"The Principal Collector must be left to his own discretion, guided by circumstances as to the extent of authority to be entrusted to the Sub Collector but as the main object of the appointment of a Sub Collector is to enable him to qualify himself for the office of Collector, it is evident that he ought to be allowed to make the settlements & to discharge & entertain his servants & generally to perform every Duty confided to him, with as little interference as may be compatible with the security of the revenue & the protection of the public servants as well as of the great body of the people."

3. In a letter addressed to Government in 1824 the Board observed as follows regarding

FOR ORDERS.

Assist. The Sub Collr is an assistant, it is true, but he is something more, just as a Head Assist., though he also is an Assist., has an entirely different status from that of a mere assistant. As the Bd said, the Sub Collr's title indicates that his status is different from that of an assistant.

I am of opinion that a distinct evil was done when the position of the Sub Collr was lowered, his Establishment taken away & his clerical establt. weakened after the Parshis inquiry. Though the extent a Sub. Collr. can do & the work he has to do are not greater, in many instances have those of Divisional Officers, it is said to have to decide questions with the help of his Establishment such as the Head Assist. & the Dy. Collrs. in charge reported to the Collr. as a matter of course & his powerful clerical staff enabled him to go into complicated questions more thoroughly than they could do.

the revenue management of the districts in which Sub Collectors are employed:-

"The object of appointing Subordinate Collectors was twofold; to aid the Collector, by relieving him from the direct personal superintendence of a portion of the province; and, by placing young men in a situation which brings them in contact with the great body of the people, to afford them the opportunity of becoming familiar with their customs & prejudices, of acquiring an accurate practical knowledge of the details of revenue in all its branches, and of qualifying themselves for appointments of higher trust and importance.

"With this view the Sub Collectors are permitted to exercise, within the tract committed to their charge the same powers as are exercised by the Collector in the talooks under his own immediate management, subject, of course, to a general control on his part, and to any instructions he may give in regard to the principles of the settlement, and with the further reservation, that

know now, that error, if error it was, cannot be remedied now.

But I think a still greater error was committed when in 1843 the Rd and Sub Court was one of several district officers & had the just and true same footing as they, and distinctive powers with they provided (pg 15) by taken away. Ent. of mind (G O 2.9.93 pg 57 to 58) But I think they were wrong. A distinction ought to be made between Sub Court & divisional officers

I think the Court did not have the power of referring details to Sub Court subordinates, independently of him. I also think the Sub Court had power of [illegible] Walk Inspection, though Govt decided to the contrary in G.O. 3.7.74 pg 82). It seems some that Govt were wrong in taking the power of nominating talookdars. Dep. talookdars & talook Shirastdars to the Sub Court (pg 11) The organization of the superior staff of a district is a matter

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all points involving questions not before determined or the appointment dismission and punishment of the principal native servants, shall be referred to his superior.

With these exceptions, the authority of the Subordinate Collector is complete. The settlement of the several villages within his range, the adjustment of disputes among the ryots in respect to the occupation of land, the boundaries of fields or the distribution of water; the issue of puttahs; the investigation of claims to remission for crops destroyed by drought, inundation or blight; the repair of tanks & water courses; the appointment & discharge of the inferior district servants; the superintendence of the Extra Sources of Revenue including Sayer, Motupha, Abkari &c. in a word, the full exercise of the authority, revenue & Magisterial, vested in the Collector by the Regulations & delegable by him to his subordinate officers, is left entirely to the Sub. Collector in his own taluks; and the ryots, although allowed to appeal to Principal, are taught to look to him as the authority who is to enquire into their complaints and grant them redress.

In the Mr. Sub Collr is mainly concerned, but his powers would be sufficiently established in this respect if the Sub. Collrs appointments were kept subject this confirmation.

I am of opinion that these powers & the 3 distinctions powers taken away in 1893 should be restored to Sub Collrs.; but before issuing orders we might ask the Govt if it sees any objection.

RG
19/2-97

I quite agree, except that I do not quite see the need of reserving to the Govt, for the matter is one on which I am quite clear.

RS

I do not think it would be right to issue orders on this subject without consulting the Govt on the question of restoring to Sub. Collectors the powers mentioned by the Hon. Mr. Grose.

R.H
1.3.97

"With English correspondence the Sub-Collector has little to do, his official communications to the Principal Collector being for the most part confined to his annual report on the settlement of the talukhs under his charge. On ordinary & trivial occasions private communications are always encouraged because better adapted to prevent publicity being given to matters on which orders are required or doubts entertained and better calculated to secure a free interchange of opinion and a cheerful cooperation in the labours of the year. × × × × × ×

"Subordinate Collectors are furnished by their immediate superiors with copies of all public letters from the Government or the Board, containing matter of interest and in order to preserve uniformity of system throughout the province orders of a general nature issued by the Principal, are sent to him for the purpose of being enforced in the villages within his range."

The Govt approved the details of the system described by the Board & directed that they should be communicated to all Collectors for guidance in order that one uniform

Encl 18 Nov 1824
Original Rec.
C.

system of management might prevail in all the districts to which Sub Collectors are appointed. The Board accordingly embodied them in its circular Order 27th February 1825. In the following year the Board directed that Sub-Collectors should report to their Principals on the settlement of the land revenue in the divisions committed to their charge & that Collectors should forward these reports with their own, noticing & giving their opinions on any suggestions of a general nature contained therein.

flagge C 1.

para 13 of C.O. d 13-7-26. flagged D.

4. Doubts having arisen as to whether a Sub Collector was competent to dismiss the Sabr of a taluck committed to his charge without previously referring the Case to his superior, the Board pointed out that it was not intended that the authority of the Sub Collector should be complete in the appointment & discharge of such district servants as Sahsildars. It also observed that "by leaving the appointment to the situation of Serishtadar of Sub Collector's Cutchery & Sabr of a taluck subject to the confirmation of the Principal Collector sufficient security has been provided that these highly important offices

shall not be filled by incompetent or improper persons" & that it thought it" it
be to the Subordinate Collectors that the
nomination to them, when a vacancy occurs,
should rest with them - (vide Circular
Order of 1 September 1828).

5. In 1865 the Board ruled that
the Collector should not make references
on matters of detail to the officers who
are immediately subordinate to the
Sub. Collector, that all orders should
invariably be issued to these officers
through the Sub Collector except in
regard to the few matters which
fall immediately under the control
of the Collector such as those relating
to the treasury & salt department
and that a list of these references
& of the replies made to them should
be furnished to the Sub Collector from
the headquarters & the taluk officers once
a month. It also ruled that the
Collector should look to the Sub-
Collector himself to keep him informed
on any other matters which might
require the Collector's orders or instruction
& that if in cases of emergency direct
communications on any subject should
take place between the Collector & the
Subsidiaries of the Sub Division

(Formerly he could dismiss
Peons & Coolies subject to confirmation
by Govt Cover
29

flagged E

On such occasions a copy of the communications should be at once despatched to the Sub Collector. (vide D.O. Dated 7th March 1865 No 1296).

flagged F

6. The question was raised in 1873 whether the Collector had power to veto the leave granted to a Defaulter by the Sub-Collector. The Collector contended that he had the power to do so ~~to veto the leave granted by the Sub-Collector~~. He observed "If the Collector is to be held responsible for the administration of the whole district, including the Sub Division, it would seem but fair that he should have the power of putting his veto on leave granted by the Sub-Collector when such indulgence appears likely to be prejudicial to the public interests. If, on the contrary, it is decided that the Sub-Division is an *imperium in imperio* for the management of which the Sub Collector is alone responsible I, of course, withdraw my objection". The Board held that he had no such power. It observed "The practice of allowing Sub Collectors to grant leave to their subordinates is clear, has worked well & requires no change. The particular case in which Mr. —

exercised this veto is no exception to the rule. The novel power for which Mr. — contends would prove irritating and subversive of harmony and is in no way expedient. Even when there are heavy balances in a taluk the Sub Collector in immediate charge has the best facilities for judging whether circumstances justify the grant of leave to the Sheristadar & whether an efficient substitute is ready to act in the Sadr's place."
The Government however decided that inasmuch as the appointment dismissal or punishment of subdivision sheristadars and Sadrs of taluks must be referred by the Sub-Collector for the Collector's order the grant of leave of absence to these officers must be subject to his veto. (Orde f.p. 23 July 1874 No 827).

flagged G.

7. In submitting his proposals for the revision of the Revenue Establishment throughout the presidency, Mr Garstin reported as follows in regard to the Sub-divisional offices:—
"The Sub. Collectors' establishments are as compared with those of Head Assistants too large, considering the relative area of their charges & the responsibilities

which attach thereto. There is, indeed seldom much to choose between the work of a Sub. Collector & that of a Head assistant and in some cases the latter has apparently more work to do than the former. × × × Of the 14 districts I visited I found that in five the Sub Collectors' offices so far as clerks are concerned, were not over officered. In no case, however, was there any need for increasing the Sub-Collectors' establishments but I propose that the rates of pay of the clerks should be somewhat raised in all the divisional offices. To enable this to be done with as little expense as possible, I suggest that the appointment of Sub Division Sheristadar should be abolished & in his place a Headclerk on Rs 85 a month appointed. The Sub. Division Sheristadar's existence as such is no longer necessary & little less so if the custom of making Sub. Collectors send in Jamabandi reports is done away with. There is no necessity for this practice. The Jamabandi accounts can be sent in from the Sub divisional taluks, as from all the others, direct to the Collector's office & the District report worked up for all at once without much

But this could & did lead into complicated questions We required two and of a Sheristadar and the strong clerical establishment We as Head assistants would have to pay for

Jg

I think this was a mistake
So do I
BS

Jg

Mr Saunders apparently forgot that one great object of the creation of the appt of Sub Colrs was to train youngmen to do the work of Colrs – The necessity of preparing important reports is excellent training.
BS

flagged H

additional trables." (paras 47 & 48 of the first report)
He also ~~pro~~ proposed to reduce the establishments of Sub Collectors generally by two clerks & two peons, to add a clerk to the Head Assistant's establishment & to improve the scale of pay of the Head assistant's clerks & those of the Dy Collectors.
The Government accepted these proposals (para 9 of G.O. 18 March 1884 No 396 Rev.) & directed the discontinuance of the submission of a separate Jamabandi report by Sub. Collectors. (para 33 of G.O. 18 March 1884 No 396 Revenue). It also observed in para 34 of the same order "The power of nominating to the higher offices, tahsildar's, Deputy tahsildar & taluk Sheristadar's posts which are now vested in the Sub Collectors as regards their own divisions, should be taken away. It interferes grievously with the proper organization of the superior staff of the district — a matter in which the Collector is mainly interested and in which he should be entirely free as well as responsible. The Collector will of course consult the Sub Collector invariably before making his selection. The necessary alterations in the standing orders were made in B.P. 28 Sept. 84 No 3135.

flagged N.

The equalization of the establishments of Sub Collectors & that of Head Asst Collectors was carried into effect only in 1886. Vide G.O. 28 Feby 1889 No 130 Rev.

flagged

exercised this veto is no exception to the rule. The novel power for which Mr. — contends would prove irritating and subversive of harmony and is in no way expedient. Even when there are heavy balances in a taluk the Sub Collector in immediate charge has the best facilities for judging whether circumstances justify the grant of leave to the Sadr Amin & whether an efficient substitute is ready to act in the Sadr's place."
The Government however decided that inasmuch as the appointment dismissal or punishment of subdivision shirastadars and Sadrs of taluks must be referred by the Sub-Collector for the Collector's orders the grant of leave of absence to these officers must be subject to his veto (Circular G.O. of 3 July 1874 No 827).

flagged G.

7- In submitting his proposals for the revision of the Revenue Establishment throughout the presidency, Mr Garstin reported as follows in regard to the Sub-divisional offices:-
"The Sub. Collector's establishments are as compared with those of Head Assistants too large, considering the relative area of their charges & the responsibilities

8. In 1890 when passing orders on certain correspondence between the Collector & the Sub Collector of Salem, the Board took occasion to remark as follows regarding the powers & position of Sub Collectors in relation to the Collectors:—

"Apart however from the facts of the present case which the Board has disposed of in the above paragraphs it considers it advisable to issue general orders on two points. First it is of opinion that it is not advisable that the Sub Collector should be called upon to report all the appointments made by him to the Collector. Within the Board's experience such has not been the practice & looking to the position which it considers should be held by the Sub Collector & which it was clearly intended by the orders that he should maintain, it does not consider that it is necessary or expedient that such a practice should be introduced. It would reduce the Sub Collector to the position of an Assistant & the Board considers that that must not be permitted. The Sub Collector of course reports all appointments made by him to the Treasury Dy Collector for publication in the District Gazette & that is sufficient. It must be remembered that the

This case was one of a dispute between Mrs J. Stokes & her two sub Collectors Mrs Davies & ~~illegible~~ BS

position of a sub collector is not and was never intended to be that of an assistant - His letter indicates that his status is different & the difference should the Board consider, be maintained.

"Secondly the Board is of opinion that wherever the practice has grown up of addressing the Sub-collector by Office Memo, that practice should at once cease. The proper mode of addressing the Sub Collector is by letter. In disposing of Judicial enquiries, the proper form is no doubt that of Proceedings - The Proceedings form is also appropriate where instructions applicable throughout the district have to be issued; but for ordinary correspondence the letter is the correct form & must be adopted everywhere in future xx."

flagged B2

[Vide B of P. of 10 May 1890 No 248x stitched Letter P.O. 2 September '93 No 768 Rev]

9. Three years later, the Board opened the whole question & took a view diametrically opposed to that which was expressed in its Pro. of May 1890. It observed as follows:—

"Originally this officer (the Sub Collector) was the only one in charge of a fixed division — the subdivision — while the remainder of the district — the

principal Division — was supposed to be under the immediate control of the Collector who was to employ his assistants & Deputies therein in such manner as he thought fit. Hence the difference in Status & authority between the Sub-Collector & the Collector's other Assistants which is seen in the old Standing Orders. But now-a-days the Sub-Collector is only one out of several Divisional officers with fixed territorial charges and exercising like functions & most of his special powers have been gradually lopped away. The orders passed in recent years have successively (a) done away with the submission of a separate Jamabandi report by the Sub-Collector; (b) deprived him of the right to make nominations to the post of Talatis & Dy Talatis in his division, to appoint taleek shirastadars & to grant any leave to these officers; (c) replaced his shirastadar on Rs 150 whom he had the power of nominating, by a Head clerk on Rs 85 who is appointed by the Collector; and (d) reduced the numerical strength of his clerical establishment to nearly the same level as that of a Head assistant Collector xxx The only distinctive powers which

which a sub collector now exercises & which other Divisional officers do not a

(1) The right in exceptional cases to require a ≠ reference to the Board in the case of an order issued by the Collector which the Sub-Collector deems improper.

(2) The right to appoint & dismiss Revenue Inspectors & clerks drawing over Rs 20 (except his own Head clerk) in his division subject to the Collector's general power of revision & control:

(3) The independent right of appointment to posts of Rs 20 & under subject merely to the Collector's general powers of revision & control whereas in the case of other Divisional officers this right is expressly subjected to the Collector's veto.—

"The Board does not think it desirable to maintain these distinctions which sometimes lead Sub Collectors (who are at present often very junior officers) to believe that they have a right to enter into controversy with Collectors & raise friction in the matter of patronage when the Collector may require, from considerations of administrative convenience & in the interests of the district generally, to regulate appointments in the Sub-division. The

Price of this first Ag. Sub Collectorate at 3.3 years' service. Last mine at 3½ years' service. Do men get Ag. Sub-collectorates sooner now? Last given, I imagine 3½

Collector & the Collector alone is held by Government responsible for the district in his charge & his power through-out all grades of the Revenue & Magisterial administration ought to be complete. The Board would, therefore, request Government to rule that, in regard to their powers & position in relation to the Collector, Sub-Collectors are on the same footing as other Divisional officers in Revenue matters as they undoubtedly are in matters Magisterial & to withdraw from them the special powers referred to above."

The Government thought that the semi-independent position formerly conceded to Sub Collectors was often productive of much mischief and insubordination on the part of Sub-Collectors to the Collector's authority. It accordingly agreed with the Board of Revenue in considering that Sub-Collectors should be placed on exactly the same footing as other Divisional officers. (G.O. 2 Sept'r 93 No 768 Rev).

C.R.
1/2/97

1:7.0.

· The demon of centralization.
A.S.H.

10

The Govt. of that day consisted of Lord Winlock, of Sir H. Stokes, whom was a Sub Coll. & had very little district experience under Mrs Garstin, who had already committed himself to whose views as to the relation between Chief & Sub Collectors were most probably based on his recollections of his own celebrated dispute with Mr Lister!
BS

I submit that the above note shows that what has happened is

(1) that the position of the Sub-Collectors has been so much reduced as that the other Divisional officers have been levelled up to him.

(2) that since as set out in the very first sentence of the G.O. which introduced the system of Sub-Collectors, that officer is declared to be as much under the Collectors' control as any Assistant is; and since this is the position assigned him in section 3 of Regulation VII of 1828, the statement of the Board at page 13 of the note viz.,"that the position of the Sub-Collectors is not & was never intended to be that of an Assistant" is erroneous.

The position of the Sub-Collectors has of late years been altered only in 3 important particulars.

1. His office establishment has been reduced. This was by Mr.Garstin's scheme in 1884.(Page 11 of the note.)

2. The power of granting leave to his Tahsildars, was taken away in 1874.- -

(Page 9 of the note.)

3. The power of appointing and of dismissing the Revenue Inspectors & Clerks drawing over 20, subject to revision & control and of appointing clerks &c under 20, subject only to his veto.(Page 15 of the note.) has been modified

The position which the Sub-Collectors should occupy is one on which, I think, the opinion of land Revenue officers of recent experience is most entitled to weight. I submit therefore that before any orders are passed on this matter the Board should be called on to report after consulting Collectors on the subject.

11/8/27.

Not so, I think - The Sub-Coll's powers in this respect were subject to the Coll's general powers of revision + control, vide p. 15 of the note

HS

in

Despatch
26/3/97

21

Read Current Number 9053 of 1896.

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G. O. Misc. No. 1672 dy 26th March '97

The Government considers that the position of Sub-Collectors in this Presidency stands in need of improvement. Sub-Collectors are usually officers of long service and high position who will shortly have to fill the place of a Collector. It is desirable that they should be trained for that place by allowing them to exercise as much of the power and undertake as much of the responsibility of a Collector as they can, subject of course to the Collector's general power of revision and control, and that a distinction ought to be made between them and the other Divisional officers. His Excellency the Governor in Council is of opinion that the end in view may be secured by restoring to Sub-Collectors (i) the power of nominating to the higher offices in the Sub-division, such as Tahsildars, Deputy Tahsildars, &c., subject to the confirmation of the Collector, (ii) the power of granting privilege leave to these

officers, without the right of veto

on the part of the Collector, and

(iii) the three distinctive powers which

were taken away from them in 1893 under

G. O. No.768 Rev., dated 2nd Septem-

ber 1893. The Board of Revenue is request-

ed to report, ~~in consultation with Col-~~ after consulting a few selected Collectors, ~~lectors,~~ if there is any objection to the

contemplated restoration of powers.

(From Orders.) 17.2.97.

To the Board of Revenue, Land Revenue.

(G+D) ~~Bd~~ 27.2.97

NOTE.

The H. M. at page 3 of the note says that "the Collector should not have the power of referring details to the Sub-Collector's subordinates, independently of him". This is already provided for in the Standing Orders; please see para 5 of S.O. No.234, reprinted at page 5 of G.O.No.768 d/2" Septr.'93.

4/3/97 Issue amended. 17.3.97. Bd 25.3.97

for orders

I should certainly omit the words in bracket. I would be swamped with a pile of papers

BS 9/3/97

I think they may safely omitted. All the members have Collectors.

JG 14/3/

The matter is important and it moves Collectors. There is moreover something said on the other side, especially in the communication of Subordinates by Collectors. I would ask Hon. Member consider whether it might not be wise to obtain the opinion of a few selected or the opinion of all Collectors.

A.C.B. 19-3-97

It is wise to obtain the opinion of the Board of Revenue after calling a few selected Collectors.

JG 20/3

189 .

DATED

A A A A A A A

FOR DESPATCH