

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2763

DATED 30th June.

[Despatch Abstract.]

5200 - Forwarding to the Secy of Revenue of the J. & L. Dept. stating with remarks that Secy. of Regulation XI of 1816 does not require any amendment as proposed by the Collr. of Tanjore in view to the removal of certain income tax reported by him to be experienced in connection with the criminal jurisdiction of heads of villages.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government (1898) of Madras. JUDICIAL.

Recd. *24 June* } 1898. Enclosures
 Regd. *28 June* } Spare copies

G.O., No. 896, 7th June 1898.

Endt. Min. No. 2763 of 30th June 98

Forwarded to the Board
 JUNE. of Revenue
11/6/98

27/6/98

To the Board, L.R. *4.7.98*
 Criminal jurisdiction of Heads of Villages.

Stating, with remarks, that Section 10 of Regulation XI of 1816 does not require any amendment as proposed by the Collector of Tanjore in view to the removal of certain inconvenience reported by him to be experienced in connection with the —.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

From W. B. AYLING, Esq., Acting Collector of Tanjore, to the Chief Secretary to Government, dated Vallam, 4th April 1898, Ref. on Cur. No. 1090—
Gl. Rev.

I have the honour to bring to notice the following difficulty in connection with the criminal jurisdiction of heads of villages. The High Court in Criminal Revision Case No. 190 of 1896 (*vide* enclosed copy of order) has ruled that the power of imposing imprisonment of 12 hours or less under Section 10 of Regulation XI of 1816 can only be exercised, where there is a village choultry, in which the offender could be confined. Prior to this, it had been customary to detain offenders in custody wherever the village court might be held, *e.g.*, on the pial of the village Magistrate's house, under a tree, or in some cases in some petty chattram temporarily appropriated for the purpose. Under the ruling of the High Court above quoted, such procedure would be illegal. The result is that village Magistrates have no means of punishing any but very low-caste offenders who can be put in the stocks, and the utility of village courts, as a means of administering rapid and inexpensive justice in trivial cases, is, to a great extent, destroyed.

2. The only remedy is to provide every village with a village choultry, or to amend the Regulation. The former step would involve, I fear, prohibitive expenditure. I submit for the consideration of Government whether there is not sufficient reason for having recourse to the latter. The desired end would be attained by the insertion after the words "to confine the offending parties in the village choultry," of the words "or, where there is no village choultry, in the place where the head of the village holds his court."

ENCLOSURE.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday the 29th September 1896.

PRESENT:

The Hon'ble Mr. Justice SUBRAMANIA Aiyar, C.I.E.
The Hon'ble Mr. Justice DAVIES.

Criminal Revision Case No. 190 of 1896 (Criminal Revision Petition No. 106 of 1896).

Kumarasami Chetti Petitioner (1st accused in Calendar Case No. 1 of 1896 on the file of the Village Magistrate's Court of Nattuvakkudi).

Petition, under Letters Patent, praying the High Court to revise the finding and sentence of the village Magistrate of Nattuvakkudi village, Tanjore district, in Calendar Case No. 1 of 1896, dated 6th March 1896.

This petition coming on for hearing: Upon perusing the petition and the records submitted in accordance with the Order of this Court, dated 22nd July 1896, and upon hearing the arguments of Mr. V. C. Desikachariar, vakil for the petitioner, the Court made the following

Order.—It being admitted that there was no "village choultry" in which the accused could be confined, the sentence was unexecutable and therefore null and void. We accordingly set it aside.

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 1337, dated 21st May 1898.

Read—Endorsement of the Acting Under Secretary to Government, Judicial Department, No. 930, dated 18th April 1898, on letter from the Collector of Tanjore, Ref. on Cur. No. 1090—Gl. Rev., dated 4th April 1898.

Resolution—Mis. No. 1337, dated 21st May 1898.

The Board is not prepared to recommend the amendment of a law which has worked with fair practical effect for over seventy years. The term "village choultry" is capable of wide interpretation, and there appears no reason why the Collector should not select, wherever necessary, places to be used as village choultries and publicly designate them as such.

(True Extract.)

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Chief Secretary to Government.

ORDER—No. 896, Judicial, dated 7th June 1898.

The Government agrees with the Board of Revenue.

2. If practical inconvenience is found to result from the ruling of the High Court after the action suggested by the Board has been taken, the question of amending the Regulation can be reconsidered.

(True Extract.)

Alfred Russell
For Chief Secretary.

To the Collector and District Magistrate, Tanjore.
" all other District Magistrates.
" the Board of Revenue (Land Revenue),
through the Revenue Department. ✓

Etd. W. D'More.

When given for copying _____
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 When examined _____
 When signed _____

189 .

READ AGAIN G.O., No.
 189 ,

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
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