CHAPTER XII.

Chamaraja Wodeyar X—1881—1894.

Improvement of administrative efficiency.

More judges for the Chief Court—Revenue Code, Local Boards Bill—Separate Legislative Branch in the Secretariat—Some important Regulations passed including the Prevention of Infant Marriage Regulation.

We have seen that on account of the famine of 1876-1877 the administrative efficiency of the State had suffered considerably and various measures were now adopted to revive and improve that efficiency. The Judicial Department claimed the earliest attention. Sir James Gordon in his minute dated 10th February 1879 had represented to the Government of India the need of a High Court for Mysore with a plurality of judges instead of only a single judge designated Judicial Commissioner. On account of restricted finances the question had however been postponed and at the time of the Rendition beyond calling the highest court the Chief Court of Mysore and the single presiding judge as the Chief Judge nothing more had been done. In 1883 Seshadri Iyer conveyed the cheering news to the members of the Representative Assembly that the Maharaja had decided upon the introduction of a plurality of judges from May 1884. Regulation I of 1884 governing the Chief Court was subsequently passed. The number of judges was raised from 1 to 3 and Section 11 of the new Regulation prescribed that where in any suit or proceeding it was necessary for the Chief Court to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, the Mahomedan law where the parties were Mahomedans and the Hindu law where the parties were Hindus, or any custom (if such there was) having the force of law and governing the parties or property concerned was to form the rule of decision, unless such law or custom had by legislative enactment been altered or abolished and that where no rule existed, the Chief Court was to act according to justice, equity and good conscience. When Thumboo Chetty was Chief Judge, he

arranged at the request of the members of the bar for the publication weekly of a digest of important decisions and rulings of the Chief Court.

The revenue administration of the State was found to be dependent on mere executive orders and circulars issued from time to time and a Revenue Code was imperatively needed to remove most of the difficulties and defects which marred the revenue administration and also to set at rest many important differences of opinion. A Bill based mostly on the Bombay Revenue Code was prepared and explained by Seshadri Iyer to the members of the Representative Assembly at the meeting held in October 1883. The Bill was a pretty large one and also of great importance, considering the subject to which it referred. Some of the chief matters codified referred to the relation of land-lord and tenant, the rights of Government in land, and the mining and forest rights of the Government and of the occupants of agricultural lands, upon all of which there existed at the time neither any definite nor any uniform practice. The rules for the recovery of Government revenue had been varied so frequently by executive orders that precedents could be quoted on almost any side of a case involving the public and sometimes the revenue officers themselves in useless litigation attended with much expense and delay. In the new code the provisions relating to these and other matters were simplified and while care was taken for the proper collection of revenue, private rights to property were adequately protected. The rights and obligations of Inamdars and their tenants were definitely defined in strict accordance with usage. Provision was made for protecting tenants from capricious enhancement of rents by Inamdars, the grounds on which and the mode in which the rents were enhanceable being definitely prescribed. Where written leases were executed, the Inamdars were given the right to recover the demands through the revenue authorities as if they were demands for Government land revenue. The jurisdiction of civil courts in revenue matters had been vague and these courts were considered competent to take cognisance of almost any revenue matter. The Bill now excluded in clear terms from the jurisdiction of civil courts only such matters as had immediate reference to the

appointment, dismissal and remuneration of village servants, the assessment and realisation of the Government revenue and the protection of tenant rights. In October 1884 the Dewan again referred to this Bill at the meeting of the Representative Assembly and while stating that it had undergone thorough revision at the hands of a committee composed of able and experienced officers mentioned also that except on a few points (which need not be specified here) no material alterations had been suggested by the committee.

This Revenue Bill formed the subject of discussion between the Mysore Government and the British Residents of the period and it was finally forwarded in 1886 for the approval of the Government of India. This Government, however, took a long period of more than two years to accord their sanction and the Bill became law only with effect from 1st April 1889, thereafter limiting as far as possible the former uncertainties of the revenue administration due to varying executive actions based on individual temperaments. Sir James Lyall and Sir Dennis Fitzpatrick were the British Residents whose co-operation was regarded as most valuable in the promulgation of this piece of legislation. Reference has already been made to the former and as regards the latter it may be stated that he was an able lawyer who had an intimate knowledge of the various Indian enactments and of the debates connected with them and always looked out for facts.

Advantage was taken of the introduction of this Regulation to inaugurate a system for the regular hearing and disposal of all revenue matters coming before the Government in appeal or revision. The Revenue Code excluded, as has been mentioned already, from the jurisdiction of the civil courts an important class of questions which arose before the revenue authorities and it was essential that these and other matters involving rights often of a quasi-judicial nature should not be finally decided without thorough investigation and without full opportunities being given to the parties interested to support their claims and contentions. It was therefore ordained by the Maharaja that all revenue appeals and revision cases coming up before the Government were to be heard

and decided at least by two members of the State Council and that the procedure adopted was to be generally that of the civil courts.

Another subject which also engaged the attention of the Maharaja's Government at this time was the broadening of self-government in local matters. Rangacharlu had touched upon this subject in 1882 in his address to the Representative Assembly and in 1883 when Seshadri Iyer met the representatives he also referred to this subject and called attention to a draft Local Boards Regulation which had already been published in the official Gazette. This Bill when it became law was to supersede the rules issued by the Chief Commissioner in 1874 for the formation of District Committees and for purposes to be carried out by them. These rules were found defective on account of the preponderence of the official members, absence of reasonable powers of disposal over the funds and the unlimited subordination of the Committees to Government officers in the administration of these funds. The new Bill assumed the taluk or the existing sub-division of a taluk to be the unit of area for which a Local Board was to be constituted. As one chief cause of the inefficiency of the existing District Committees lay in the fact that their members did not possess the requisite local interest and local knowledge, it seemed evident that if the system was to have a fair trial a beginning was to be made with a Taluk Board. The functions of these Boards were, to start with, to relate to such matters as elementary education, medical, charitable and other similar institutions, local plantations and water-supply. As regards the constitution of these Boards, the Bill provided for a preponderence of the non-official element in them but left to Government as to whether the members were to be appointed by nomination or by election by the rate-payers. It also provided for an official or an elected President. This course, assured the Dewan, had been advisedly adopted in the public interest in order to prevent failure in their working. "Village communities" said the Dewan "have not yet recovered from the severe blow which owing to political causes they sustained early in the century; and administrative activities have to be revived and nurtured after a long period of disuse under an

autocratic Government. Under such circumstances, it is not surprising to find the greater part of the Province unprepared at present for the elective system..... How soon the elective system can be extended to any particular Taluk Board will depend upon the appreciation of its labours by the people interested; for without such appreciation, it will not be advisable to resort to such election in any case. The non-official members of the District Board which is to be constituted for each district or sub-division of a district, will, however, all be delegates from the Taluk Boards, and it will at first be under the presidency of the District or Sub-Division officer as the case may be....."

Referring to the Taluk Boards, one of their functions, said the Dewan, would relate to elementary education. This was an important subject as the hobli schools had proved not an adequate medium for the wide spread of elementary education. It was found that they were wanting in that popular element in their constitution and direction which alone could give them success and it had therefore been provided in the Bill that the Local Boards assisted by Village Boards where practicable were to take entire charge of these schools, manage them with the funds that were made available for them, appoint and dismiss the masters at their own discretion, the Government interference being limited to the prescribing of the proper standard of education for them and to providing the Board with a good and competent staff of inspectors. Next in importance to education, observed the Dewan, was the establishment of hospitals and dispensaries in places where the Boards deemed them to be required and the formation of a body of travelling dispensers of medicine at times of cholera and other epidemics was to come under the jurisdiction of these Boards; and similarly, institutions of charity such as Chatrams and Dharmasalas. The Bill did not specifically provide for the transfer of all Government Muzrai institutions to the Boards' management, but there existed provision for such transfer whenever such step was likely to be attended with advantage. Charitable institutions, especially the feeding chatrams would, it was expected, fare better under the Boards' management than they did under the

Government, thereby obviating the long-standing complaints of mismanagement and peculation against these institutions. It was also proposed to entrust works of irrigation such as tank repairs to the District Local Boards and that as the majority of the members would naturally belong to classes having large interests in agriculture in all parts of the district, it was likely that all important tanks throughout the district would receive their due share of attention. This Bill was submitted to the Government of India in April 1885. But it was received back after nearly a year with an exhaustive minute by C. E. R. Girdlestone who was then the British Resident and further discussion became necessary.

After the Rendition though a Representative Assembly came into existence no separate Legislative Council was formed. But a separate department was constituted in 1886 in the head office under the superintendence of an officer designated the Legislative Secretary. The European members of the United Planters' Association pointed out more than once the need of such a council as suited to the age in which they lived. Among the reasons which influenced the Durbar not to countenance the proposition put forward, the main one was that it would not be possible with a Legislative Council as part of the constitution to give effect in practice to the principle laid down by the Government of India that the chief authority and ultimate responsibility was in all cases to rest actually as well as nominally with the State's Ruler. Under the Instrument of Transfer the people of Mysore including the European planters had a guarantee that the British laws in force in Mysore at the time of the Rendition would not be altered by the Mysore Government without the concurrence of the Governor-General in Council. Any special legislation required by the planting community of Mysore could be easily introduced with the previous approval of the Government of India. The legislative measures, it was stated, which necessarily were required for a progressive administration mostly followed those introduced for British India and the modifications required for their adoption in Mysore were made by the executive government in consultation with the British Resident and were promulgated in the State with the sanction of the Maharaja.

A number of other Regulations were passed during the reign of Chamaraja Wodeyar and an enumeration of some of the important ones will show to what subjects they related :—1. Mysore Civil Court Regulation of 1883. 2. Mysore Chief Court Regulation of 1884. 3. The Mysore Legal Practitioners Regulation of 1884. 4. The Mysore Land Revenue Code of 1888. 5. The Land Improvement Loans Regulation of 1890. 6. The Mysore Arms Regulation of 1890. 7. The Mysore Factories Regulation. 8. The Mysore Railways Regulation. 9. The Mysore Infant Marriages Prevention Regulation.

The last Regulation was an important piece of social legislation. The imperative need of this legislation was brought home to the Government from the figures relating to marriages revealed in the census report of 1891. The number of married girls under 9 was 18,000 as compared with only 12,000 in 1881. The increase was 50 per cent whereas the increase of population during the same period of 10 years was only 18 per cent. Again out of 9,71,500 married women in the country in 1891 the statistics specially collected at the census showed that 11,157 had been married at or before the age of four (74 in the first year, 349 in the second, 2347 in the third and 8387 in the fourth) and 1,81,000 between the ages of 5 and 9. Of the girls married before nine, 3560 were found to be widows at that early age. In regard to boys, it had been ascertained that 512 had been married before four, 8173 between 10 and 14 thus giving a total of 81,516 boys, all married before 14.

The proposed raising of the marriageable age of boys to 14 was expected to react beneficially on the marrying age of girls. For, considering the disparity that generally prevailed between husband and wife it was not too much to infer that in all boy-marriages under 14 the girls were more likely to be under than above 9 years of age and therefore the raising of the marriageable age of boys to 14 would, it was considered, enable the parents of nearly 82,000 girls to put off their marriage beyond the age of 9. These facts established that the evil attempted to be remedied was one of some magnitude showing signs more of growth rather than of decline. The progressive party in the Representative Assembly

urged on the Government in the light of the census figures the need of some prohibitory legislation and thereupon the Government consulted the heads of religious institutions who expressed the opinion that such marriages were opposed to the spirit of the Sastras. The general popular sentiment was also found to be in favour of some kind of prohibition. The Government, however, wished to move cautiously and explained to the Assembly in 1892 that as a beginning it was proposed to prohibit marriages of girls below 8 years and those of men above 50 years of age with girls below 16 years. It was inexpedient to treat such marriages if they took place as altogether void, as the nullity of such marriages would involve endless difficulties regarding legitimacy of children born and their rights of inheritance. The utmost therefore that was intended to be done was to visit the persons responsible for such marriages with criminal penalties.

A draft Regulation on the lines above indicated was published in 1893 with the view of affording the fullest opportunity for discussion and criticism. In his address to the Representative Assembly held in October of that year Sir Seshadri Iyer observed that though the Bill was regarded in a few quarters as an undue interference with the liberty of the subject, yet the measure had been framed in response to the general sentiment of the country which demanded under the authority of the law the abolition of certain usages which were as much opposed to the spirit of the Hindu Sastras as to the best interests of society. This Bill was finally passed into law in the latter half of 1894 embodying some of the more valuable suggestions made at the meetings of the Representative Assembly. The Dewan impressed upon the members of the Representative Assembly that met in October 1894 that His Highness the Maharaja wished the Regulation to be particularly regarded as an important measure of protection against a growing evil of some magnitude.