

CHAPTER LXVI.

Changes introduced in the administration by Colonel Briggs and Bentinck's approval of them with some modifications.

Before proceeding to the Nagar country in June in 1832, the Senior Commissioner introduced certain changes in the administrative departments of the Government in May of that year with the object of introducing regularity into the public offices under the immediate control of the Commission. At the time of the assumption of the administration by the British Commission, omitting the seven branches concerned with the internal affairs of the palace there were ten branches relating to the general administration—1. Dewan's Cutcherry 2. Feryad Cutcherry or petition branch 3. Huzur Adalat or Judicial branch 4. Khajana Cutcherry or treasury branch 5. Sowar Cutcherry or cavalry branch 6. Barr Cutcherry or infantry branch 7. Kandachar Cutcherry or police and militia branch 8. Anche Cutcherry or postal branch 9. Sandal Cutcherry and 10. Huzur Cutcherry. The Dewan was at all times a high public functionary and the finances were directly under his control. His primary business was to provide for the supplies of the year by forming an estimate of the in-coming revenues and of the demands for expenditure on those revenues. The Dewan's cutcherry was also the centre from which all orders emanated. Briggs now directed that this wide power should cease and that the Dewan's duties were to be confined strictly to questions belonging to the Finance Department and to the issuing of orders to the officers in immediate subordination to him. He was also to be in charge of the Feryad branch. The Sandal Cutcherry though to be kept as a distinct branch was placed under the supervision of the Dewan as its operations were intimately connected with finance. Any aid which the Dewan required from other branches was to be obtained in the shape of requisitions sent through the Secretary to the Commission. The practice which existed of the Dewan discharging men belonging to the military services or of transferring them from their posts, the issuing of orders to the post office and the police without

the express sanction and knowledge of the Commission was discontinued. All orders issued by the Dewan were invariably to emanate in the name of the British Commission. The Dewan with regard to his department was placed on the same footing as other heads of departments and all departmental heads were to receive orders from the Commission through its Secretary and to issue them in its name. Each catcherry or branch was provided with a seal which was to be in the personal custody of the head of the department and this with the signatures of the Dewan or of the Bakshis or other officers were to be regarded as requisite to give validity to each document issuing from the several offices. Venkataramaniah whose work was regarded as unsatisfactory was replaced by Babu Rao who was nearly 70 years of age at the time.

When the British Commission entered upon its duties there were five kinds of courts in existence independently of the final appeal before the sovereign—1. The village court under the patel or headman 2. The market-day or Kotwal's court 3. The taluk or Amil's court 4. The court of the Subadar or Foujdar as he came to be called later and 5. The Huzur Adalat court. These courts exercised both civil and criminal powers but without any accurate definition of their jurisdiction. Briggs now fixed the civil jurisdiction of the Patel to extend to a maximum of Rs. 10, the decisions based on oral evidence being limited to cases arising within the village and to persons residing therein. It was made incumbent on the Shanbogue to help the Gowda or patel in the exercise of his functions by recording agreeably to a prescribed form every case decided by the Patel's court and this record was to be transmitted monthly to the Amildar. Where in a case the money limit exceeded Rs. 10 but not Rs. 100, it was to be decided with the help of a Panchayet according to certain prescribed rules. As regards criminal cases, it was not the practice in Mysore for any court or authority to pass sentence. This privilege was reserved to the sovereign or left to his deputy. This practice seems to have been based on motives of benevolence in order that no subject in the State should undergo any punishment without the sovereign first satisfying himself that it was merited. It was however

attended with the evil of the detention of a large number of persons tried pending their acquittal or punishment by the highest authority. To remove this evil, it was considered expedient that the several courts should be vested with powers to pass sentence within defined limits. Accordingly Briggs now laid down that the Gowda was to have in his magisterial capacity power to confine in stocks persons of lower order during the day without exposing the culprits to the elements and also to impose personal restraint for a period not exceeding 24 hours. If the crime was of a serious nature as to warrant his detention for a longer period, the Gowda was to communicate the circumstance to the Shekdar who was ex-officio head of the police in his jurisdiction. The Shekdar's duty was then in conjunction with the Gowda to prepare a mahazar on the spot and after recording the evidence of witnesses and the statement of the accused to transfer the same with the prisoner to the Amildar. In each village there were a number of hereditary watchmen performing police duties under the supervision of the Gowda for the preservation of peace or for the arrest of delinquents. The inhabitants of a village were as a body held responsible for the tracing of robbery or other heinous crimes committed within the limits of their village.

The jurisdiction of the Kotwal's court was confined to petty causes originating between individuals in Santhes or periodical markets and these cases were decided either by the Kotwal on oral evidence or through the intervention of a Panchayet or body of arbitrators formed at the time and on the spot. No appeals were allowed when the sum in litigation did not exceed Rs. 20. The jurisdiction of the Amildar was confined to cases originating in his taluk and to individuals actually residing within that area. He was competent to decide on oral evidence up to a limit of Rs. 20, from which decision there existed no appeal. But where the amount exceeded Rs. 20 but did not exceed Rs. 100, the Amildar was required to keep a register in which he had to record the proceedings in his own hand-writing. He was competent also to settle by Panchayet all cases exceeding Rs. 100 up to Rs. 500. In his magisterial capacity the Amildar's power was restricted to the levy of fines up to a limit of Rs. 20. He was also given power to

expose in the stocks but not to the elements persons of lower orders during the day between sunrise and sunset or to imprison for a period not exceeding one month, recording the circumstance in a register. He was also given power to punish with imprisonment with the support of a mahazar for a period of two years, in which event the proceedings had to be sent to the superior court for confirmation.

The Foujdar now became competent to determine civil causes originating in his jurisdiction and to confine individuals within that area. He was allowed to decide all suits up to a limit of Rs. 500 keeping a record of the same. Where the value exceeded Rs. 500 up to a maximum of Rs. 2000, the decision was to be given with the help of a Panchayet. In criminal matters where the offences were regarded as of a heinous nature, after the committal had been made by the lower courts, the Foujdar was required to assemble a Panchayet giving the accused the option of challenging up to the whole number. The Foujdar was given power to award imprisonment not exceeding 5 years with manual labour in irons where necessary and in such cases the proceedings were to be sent to the supreme court at headquarters for confirmation.

The supreme court or the Huzur Adalat was allowed to continue with two Bakshis or Judges and 5 Panchayetdars or assessors as in the earlier days. This court was to take cognisance of all civil cases which did not come within the jurisdiction of the other courts. The supreme court was also competent in its corporate capacity to decide on causes to any extent and was free to empanel along with the assessors such other individuals not exceeding 12 in number as it thought necessary in special cases to further the ends of justice. The supreme court in its criminal capacity was competent to try all cases, the accused having been previously committed by one of the inferior courts, its power extending even to capital punishment when the opinion of the court was unanimous. In such cases the proceedings were to receive the sanction and confirmation of the Board of Commissioners and the sentence was to be carried into effect only on a special warrant signed by the Commissioners. The members of the supreme court

were to tour in the State twice during the year for the purpose of trying all crimes of a heinous nature which did not fall within the cognisance of subordinate courts and to make special reports within one month of their arrival at headquarters on the state of the jails and police in general. The award of the supreme court was final in all causes where the value did not exceed Rs. 1000. Where however the value exceeded this limit, an appeal lay to the Board of Commissioners.

The Kandachar in Purnaiya's time served the double purpose of a militia and local police, in addition to which a portion of them served also as dooly-bearers during the campaigns against the Mahrattas. After that period however, the duties of the Kandachar became much extended and the formation of roads, repairs and construction of buildings had also been assigned to them. It was the duty of the Bakshi of the Kandachar establishment to levy extra men for service whenever any occasion demanded an increase in the number of irregular troops. In his department were also included the military garrisons in forts throughout the country kept at great expense under Killedars who came to be regarded in the light of a balance of authority or check on the Amils. The salubrious climate generally of the Mysore State had rendered it a favourite resort for Europeans from Madras and as it lay on the route to the Nilgiri hills which was a sanitarium even then, the resources of Mysore came to be taxed to a considerable extent to supply conveyances from one end to the other. Under the Government of Krishnaraja Wodeyar it was usual to have from one to two sets of bearers at each stage on all public roads throughout the country permanently at public cost. An idea of the requirements of these travellers might be formed when it is stated that sometimes a single family with their travelling boxes indented upon a relay of 7 sets of bearers up to about a hundred.

Briggs also laid down that out of the savings resulting from the reorganisation of the Dewan's cutcherry a Secretariat or Huzur Cutcherry was to be established, the necessity for which was very great in order to have ready at hand an ample establishment of

public servants well-versed in accounts with a sufficient knowledge of the British mode of conducting business. From 1st June 1832 all accounts were ordered to be kept and all payments to be made so as to correspond with the months of the English calendar year. Regarding these changes there were considerable differences of opinion between the two Commissioners. But as Briggs was a man of assertive will and possessed also a casting vote, he ordered that effect should be given to them immediately.

On Colonel Briggs leaving for Nagpur, Bentinck directed that the Junior Commissioner J. M. Macleod should be in sole charge and that no changes were to be made in the system of administration till then pursued except such as were unavoidable or immediately necessary. Lt.-Col. Morison joined his place as Senior Commissioner in February 1833 and immediately applied himself to a study of the institutions of the country and to the formulation of his views on them to the Governor-General. While at Ootacmund in 1834, Bentinck was able to study the views of Morison and to issue his orders. The primary point on which the Governor-General laid stress was that the inhabitants of Mysore were to be provided with officers on whom they could implicitly rely and with tribunals to which they could confidently resort for the redress of their grievances. His first direction was that the whole of the State should be divided into four territorial divisions and to each division a European Superintendent was to be appointed in place of a Foujdar. These Superintendents subject to the orders of the Commissioners were to conduct the revenue, magisterial and certain judicial duties and to superintend every department of civil government. All the old usages and institutions of the country, especially those of a religious nature, were to be respected and maintained inviolate.

The Amildars continued to be in charge of the police but they were prohibited from interfering at the instance of a complainant in offences not involving open violence, including even burglary when unattended by any aggravating circumstances. At the same time, the village watchmen were enjoined to report all offences and

occurrences of an extraordinary nature to the Amildar by whom they were to be reported to the Superintendent. As regards the police, Bentinck prescribed that the rules contained in Bengal Regulation XX of 1817 were to be followed as a guide where analogy was applicable. In all cases involving an accusation of murder, gang robbery or burglary with violence, if the Amildar had reason to believe that the charge was true, he was required to forward the parties to the Superintendent with a record of his preliminary investigation, in no case detaining the accused for a longer period than 7 days. In such cases the Superintendent was to summon a Panchayet and to preside at the trial or refer the case to a new class of officers known as Sudder Munsiffs who were to be appointed at all headquarters and other principal towns. The Superintendent was given power to pronounce his decision in cases referred by the Amildar or by the Sudder Munsiff and he was vested with power to award imprisonment with or without labour for 7 years without reference to the Commissioners. The principal Sudder Munsiff was likewise invested with power to award imprisonment for two years without reference to the Superintendent. In matters of difficulty, however, the proceedings were invariably to be referred for the decision of the Commissioners. As in the earlier days, sentence of death was reserved for murder or plunder. On the frontier where examples were necessary, gang robbery also could be punished with death.

Regarding the subordinate officers of police termed Hoblidars, they were authorised to arrest and keep in confinement for 24 hours as might be necessary persons accused or suspected of the heinous offences of murder, highway robbery, or burglary with violence for purposes of enquiry.

As regards civil disputes, the Governor-General was not in favour of entrusting patels with any civil power. Every Amildar was given power to try and decide without keeping any record of the evidence and without employing a Panchayet suits not exceeding Rs. 20 in value and his decision was final except on the ground of corruption or gross partiality. The Amildar was also given power to try and decide without employing a Panchayet all suits

relating to personal property exceeding Rs. 20 up to a limit of Rs. 100 and in these cases it was incumbent on the Amildar to keep a record of the proceedings. In all such cases an appeal was allowed to the court of the principal Sudder Munsiff within 30 days from the date of the delivery of a copy of the decision. In suits relating to personal property where it did not exceed Rs. 500, the Amildar was authorised to determine by Panchayet agreeably to the prevailing custom, his decision being final except on the usual grounds of corruption or gross partiality.

The principal Sudder Munsiffs were given power to try and decide suits for personal property exceeding in amount or value Rs. 100 and not exceeding Rs. 5000 and suits for landed property from the smallest value to the value of Rs. 100, appeals being allowed from these decisions to the Commissioners within 30 days from the date of the delivery of copies of decisions to the parties concerned. All disputes relating to rights to the possession of government lands or those relating to the revenue of the State were exclusively cognisable by the Superintendent or his subordinate revenue authorities and not by the principal Sudder Munsiffs or other judicial tribunal. The Superintendent was to have exclusive jurisdiction in all original civil suits involving personal property in value exceeding Rs. 5000 or landed property in value exceeding Rs. 100, besides exercising general superintendence over the judicial officers in his jurisdiction and the Commissioners were vested with power to hear appeals against the decisions of the Superintendents. In all cases whether appeals existed or not, the Commissioners were given general power of interfering and of passing whatever orders they regarded as just and proper.

The rule prescribed by Briggs that all judicial proceedings were to be written on stamped paper was rescinded and it was laid down that in all original suits for more than Rs. 10 and also in all appeals a fee was leviable on the institution of the suit on a graduated scale of value. The Commissioners in their judicial duties civil and criminal were allowed to avail themselves of the help of the Huzur Adalat composed of 3 judges, one Pandit and one Mufti. To these persons was delegated the power of receiving

and deciding all appeals from the lower tribunals and they could also be employed as assessors to the Commissioners when they desired to preside in the Huzur Adalat or to report on any case original or appeal, civil or criminal. The Commissioners were also competent to try any case when they thought fit to do so by means of a Panchayet with or without the assistance of the Adalat or to require them to summon a Panchayet in aid of their own proceedings. Lord William Bentinck in this connection emphasised the great need of appointing respectable men to all these offices on adequate salaries, thereby avoiding the radical defect of inadequate salaries usually granted to the native officers in the Company's territories.

Lord William Bentinck also expressed his opinion that the Superintendents in their revenue capacity should subject to the orders of the Commissioners as far as possible and with the consent of the cultivators revise the existing system of land settlement. The renting system was to be gradually discontinued, the ryots who paid a money-rent for the lands they cultivated not being placed under another as had become customary. The Patels and Shanbogues were ordered to be restored to their proper places without the intervention of renters or middle men for the timely collection of the revenue as well as for the timely cultivation of Batayi lands. Any change in the money-rent should be prohibited without express orders of the Commissioners and where arrears accrued on account of the death or desertion of a cultivator, such arrears were to be remitted without reducing the money-rent when the land was given to another. Every opportunity was to be taken to substitute for the payments in kind a cash assessment as best for the interests of both the ryot and the Government, particularly in the case of dry lands. In all matters pertaining to revenue not only the prevailing forms were to be preserved but also native agency was to be adhered to as far as practicable.