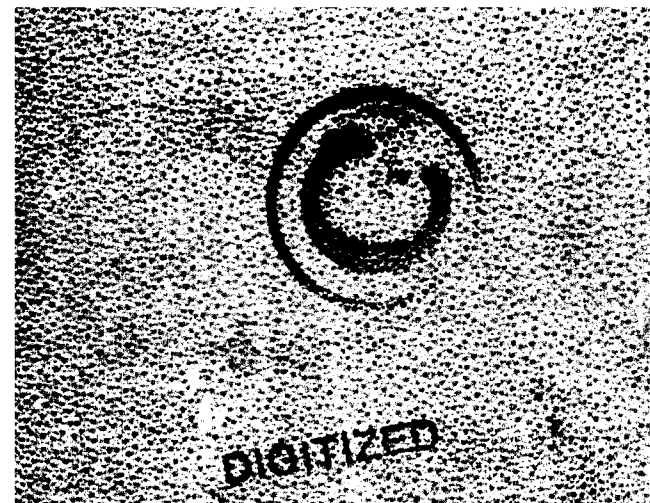




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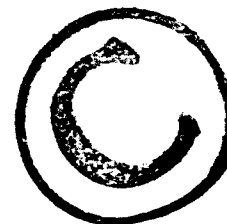
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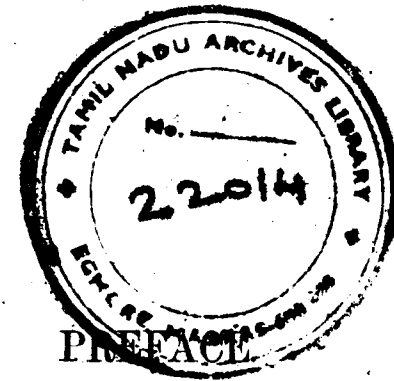
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THE following pages are published in the hope, that they will receive a full and fair consideration, for the sake of the important questions to which they refer.

The well-being of twenty-five millions may be materially advanced, by precise and definite rules, to define exactly the rights given under the Ryotwar Tenure; and the preparation of such rules is a task worthy of the highest abilities. It is hoped that the importance of the interests involved will cover the deficiencies of the Author; and that, should the rules, now proposed, be deemed by Government unsatisfactory, they will at all events suggest the idea to others, by whom it will be carried out more successfully.

The Sudr Report on the Administration of Civil Justice, for the year 1856, strikingly illustrates the sore need, that there is at present for some such officially recognized definition of the Ryots' rights. A hasty glance at the General Table, No. 1, page 3, will show that the number of suits instituted, and the amount litigated, mark clearly where land is most valuable; and from the same Table it appears, that the amount litigated in 1856, under the head of "land," is nearly triple what it was in 1855. In 1855 it was Rupees 13,56,740. In 1856 it was Rupees 34,54,599. And, coupled

with other facts, that must strike the attention of the most casual observer, the pleasant conviction is thus forced on the minds of all, that the value of land is steadily rising.

The value of land is steadily rising; and, with the Hindoo love for litigation, so surely under any circumstances would the number of suits go on increasing; whilst with the present unsatisfactory state of the law as regards land tenures, litigation is often unavoidable. A vast amount of false evidence is as surely brought into Court, in most of such cases, to which the Judge is compelled to give ear, in the entire absence of any written, and official definition of existing rights. And it is not exaggeration to say, that for this reason also, both the Government and the Ryots, the Judge, and the Advocate, have alike the utmost need for the publication of rules, that should define, officially, and with exactness, the several rights given, and liabilities incurred, under the Ryotwar Tenure.

FROM

J. W. B. DYKES, Esq., M. C. S.

TO

THE SECRETARY TO GOVERNMENT
IN THE REVENUE DEPARTMENT.
FORT ST. GEORGE.

SUBMITS PRECISE AND DEFINITE RULES, TO DEFINE THE TENURE,
AND REGULATE THE WORKING, OF THE RYOTWARY SYSTEM.

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SHEVAROYS, MARCH 15, 1858.

FROM J. W. B. DYKES, Esq.,

Madras Civil Service,

TO THE SECRETARY TO GOVERNMENT,

IN THE REVENUE DEPARTMENT.

SIR,

I have the honor to submit for the consideration of Government, a General Manual of the Ryotwar Tenure,—with an Appendix of Special Rules, and an Official Manual, for the District of Salem.

2. When the ditton was finally abolished in 1856, His Lordship in Council* was pleased to observe that some precise, and definite, rules would be required instead of the ditton; which was an arbitrary interference with the employment of agricultural capital.

3. No such rules have been published as yet. Whilst I would respectfully submit that they are as urgently needed for other reasons; one of which may now be referred to, with advantage.

4. If a stranger should wish to embark capital in agriculture, he would first of all wish to know under what conditions his money must, in that case, be laid out. And he would be told that, in this Presidency, the tenure of the land is generally Ryotwar. If he wanted more precise information, he would be referred to the Hookumnamah of the district in question. And from these M.S. rules, if they had been corrected with reference to recent changes, and if he could get the loan of them, he might perhaps ultimately learn, what are the general rights of the tenure, and what are the special usages officially recognized in that particular part of the country. But this information would be mixed up with much irrelevant matter; and such a state of affairs is not encouraging to mercantile men, or any other capitalists. Precise and definite rules are therefore urgently needed to encourage the free outlay of capital; whilst the case, which I have selected, shows also, how these rules had best be drawn up.

5. Every Hookumnamah in the Presidency is different; but every Hookumnamah agrees in treating indiscriminately of the tenure of the land, and the duties of the revenue officials; and the first step therefore towards drawing up clear and intelligible rules is, obviously, to separate these two subjects. It will then be found that the rules, which define

the tenure, may further be divided into those, which are of general application and can be made into a General Manual of the Ryotwar Tenure, and those which are of local application and had best be disposed of as Special Rules.

General Manual, Rule 1.

6. The leading feature in the Ryotwar Tenure, is the simple fact, as the very name imports, that the Government deals direct with the ryots or landholders. And this fact has been duly set forth in Rule 1 of the General Manual. The Government deals direct with the ryots; the ryots deal direct with the Government. And this privilege of direct dealing not only names the Tenure, but might fitly begin a Ryots' Magna Charta. Because powers must be given for the realization of the Government assessment on the land, which cannot in India be entrusted with safety either to Farmers of the Revenue, or Zemindars, or any other class of middlemen.

7. It may seem at first sight that so simple a Tenure cannot need a General Manual of 24 rules. Or, if so many rules are really needed, it may be urged, that this fact, itself, is, at the very outset, a fatal objection to the whole system. But the tenure of land is not a simple matter, when a country has long been cultivated. There are many contingencies that must be specially provided for, or they will otherwise in time become abuses. And as the right of the ryots to deal direct with the Government is not only founded on justice, but has been distinctly admitted in this Presidency for more than 30 years, it is now fortunately, only necessary as regards this objection, in considering the proposed rules, to consider also, how far they could be condensed with advantage.

8. The particulars of the direct dealing, set forth in Rule 1, are given in the next five rules of the General Manual; and these rules could be easily condensed. Still permanency, and legal recognition, of title, fixed assessment, direct payment of that assessment to Government, and free power to sell, or let, the holdings, are severally rights of such importance, that it seems desirable each should be made, and remain, the subject of a separate and distinct rule.

9. Whilst the security of dealing direct with Government names and distinguishes the Ryotwarry, from the Zemindarry, system, the Ryotwarry is equally distinguished from the village system, by each ryot being only liable for the assessment on his own holding. The hard working ryots need never have to pay for lazy or fraudulent neighbours; and the system is thoroughly just and fair. But it is equally clear that the Government loses the ease of collecting the land revenue through "middlemen," and the safety, given by the joint responsibility of the village system. And the Ryotwar rules should therefore be framed, so as to meet these wants

10. The rules already named sufficiently indicate the great encouragement given to the free outlay of private capital. This indeed is the great advantage of the system. Every ryot is encouraged to do his best, to become a good citizen. And it is the full development of this principle that at once supplies, what is required for the security of Government. The more that capital is sunk in the land, the more the ryots are encouraged to improve their holdings,—the less is the extent of land that is likely to be thrown up rashly, and the greater is the stability of the land revenue. Fluctuations in the extent of land in occupation, and consequently in the amount of a revenue, that is fixed on the land, are thus brought within the smallest possible limits. And, before going further, I would now consider respectfully, how far this all-important principle is affected by the recent orders from the Honorable the Court of Directors, limiting the period, for which the assessment is fixed, to 30 years.

11. When the Permanent Settlement was made in 1802 the assessment, to be paid by the Zemindars to Government, was fixed for ever. And the assessment, to be paid by the ryots to the Zemindars, has long been held by the Courts of this Presidency to be similarly protected. The estates of the Zemindars have lapsed from time to time for arrears of revenue, and the ryots have come generally into direct communication with Government, or in other words, under the Ryotwar Tenure. But to the best of my knowledge, nothing has yet been told the ryots officially, that could make them think any change was contemplated in the nature of the assessment. The assessment has been reduced. But the assessment has never been raised as yet. It is generally considered to be fixed for ever; and thus the ryots, in this respect, have had, hitherto, every inducement to improve their land.

12. Capital is freely sunk at home on a limited lease, with an unconditional surrender at the end. A Scotch farmer, for example, will not hesitate to embark his whole fortune on 30 years. For, at the end of his lease, if he and his landlord can't agree as to terms for the future, he realizes his stock, &c., and moves with ease, to where he can get land on terms, that suit him better. But in India it is not one, nor a thousand, but perhaps a hundred thousand ryots, that must take up this 30 years' lease at the same time; and it is 100,000 ryots, that must be prepared, when the lease is up, to realize also, at one and the same time, and move if necessary. But how is the agricultural stock of a district of 10 or 15 thousand square miles to be realized? and where are 100,000 ryots to go to? The position of Scotch, and Indian, lease holders at the end of the lease is very different; and this affects the whole question.

13. An unconditional lease leaves the agricultural capital of a *whole district* at the mercy of the officer, chosen to revise the rates; and I fear that such a change in the Ryotwar Tenure will be felt more and more injuriously as the lease draws towards a close. This change will greatly influence those, for instance, who seek to make a provision for their children in land. And whilst it must be admitted by all, that the Government has a full right to share in the general improvement of the country, I earnestly hope, that the principle, laid down in Minutes of Consultation* of the 25th November 1852, is still to be maintained; and that I have done right in introducing, in Rule 4 of the General Manual the guarantee, that if the assessment is raised, no attention will ever be paid to the changes, that may have been made, by the outlay of private capital, in the relative value of the several holdings.

* Revenue Department No. 1069.
para 5.

14. Under the most favourable circumstances there will always be some improvident ryots, whose unimproved holdings may be thrown up any year outright; and Rule 7 provides, how such assessed lands may be taken up by others; whilst the 8th and 9th Rules guard against the subdivision, and secure the boundaries, as far as may be, of all fields, that have been once surveyed and assessed. To permit subdivision, is not only so much direct injury done to the survey, and survey accounts, but it is an encouragement to fraud and a direct aggravation of an admitted evil. For the soil of most large fields varies considerably; and as the assessment has been fixed on the average of the whole field, subdivision under Native superintendence is to open a wide door for fraudulent practices. Whilst there could be no quicker way of increasing the "number of small holdings," than making the fraction of a field, a good and valid title, for a separate and distinct puttah.

15. The four next rules refer to irrigation; which, over the greater part of this Presidency, affords the greatest opening for the outlay of private capital, and, if obtained from wells, is the greatest security against an Indian famine. I have endeavoured to embody in the 11th Rule the wise concessions made of late years in this direction. And I have ventured to suggest in the 12th Rule, how our rivers also might be turned to use, by private enterprise, when it was not thought advisable to invest public capital. Whilst Public Works of irrigation are treated of in the 13th Rule. But all irrigation, at present, requires also many special rules which shall duly recognize the different usages of different districts, and the

varying nature of the supply. And this subject cannot therefore, with propriety, be considered satisfactorily, in a general report.

16. *The want of roads* is the main cause why three-fourths of this Presidency is still unoccupied waste. It is not like Bengal where large tracts were given away, and no difference is made in the Zemindar's assessment, whether the whole, or only a portion of the estate, is cultivated. Here, every additional field adds so much to the Government revenue; and it is just as sure that there will be a great quantity of this waste reclaimed, as soon as the country is fairly opened out. The extent of land, capable of being irrigated from existing public works, will in like manner be much increased, as more care is given to these works. And it seems only fair that Government should further help this general extension, and improvement of cultivation, by giving in some cases improvement leases or cowles. But here again special Rules will be requisite, to meet the attempts, that are sure to be made according to the nature of the district, either to abandon the regular cultivation and so get land or water below the regular rates, or else, under the name of cowle, obtain a direct and fraudulent reduction of the assessment.

17. The practicability of Rule 16, for puttah receipts, depends on its being possible to issue the puttahs, according to the Regulations, before the ryots are required to pay any portion of the assessment; which I trust, will, be found to be quite possible according to the proposed Official Manual: and the advantages of the proposed form of receipts will be therefore more appropriately considered hereafter. I would now only add, that puttahs, under the present system, are not issued, till, on the average, two or three months after the first instalment of the land revenue has fallen due.

18. It is well known that illegal fees are annually collected by the village authorities to a large amount, and it may be hoped that this abuse will be greatly checked by the publication of precise and definite rules. When the ryots can point to their rights, they wont be so ready to pay for official favour. But in Rule 17 I have proposed that some of these fees should be recognized by Government and that a charge should still be made, in certain cases, when puttahs are changed. Such a charge, if fixed, and limited to changes on account of land being relinquished, would apparently tell well in several ways. Before long it is almost certain, that much land will be thrown up annually, either to see how the season turns out,

or simply with a view to evading the Government assessment, if possible. This danger must, of course, be met more directly, and will, each year, become less, as land becomes more valuable; but the temptation will always exist; and the immediate necessity, of a small payment for the new puttah, would, I believe, be found no small check on such practices. Again, where a man holds two or three puttahs, if a charge were similarly made for each puttah requiring to be changed, a blow would be struck at another obnoxious custom. It is common to find in the same village several separate holdings, belonging to the same man. This concealment of the real extent of his cultivation suits the Native mind, and, it must be admitted, has had its uses under our own revenue system. But the proposed charges, being in proportion to the number of puttahs, would materially alter the bearings of the question in the eyes of the ryots; and, if no charge were made for consolidation, these fictitious holdings would soon be thrown together, to the benefit of accounts at all events.

G. M. Rules 18, 19.

19. Rule 18, which defines the liability of every man, who holds land, whether in his own, or another's name, and Rule 19, which states that remissions will be made as heretofore in bad seasons, do not seem to require any further notice. But the next rule treats of a subject which has an importance far beyond the pecuniary interests involved, however great.

G. M. Rule 20.

20. For ages it has been the custom in India to realize the Government assessment by personal violence; and although many special laws have been passed for the protection of the ryots, more still might be done in their favour, by giving free scope to the existing law of distraint. There is no check on the action of this law against personal, but there is against real property. For the sale of real property the sanction of the Board of Revenue is required in addition to the law. A full and particular report must be made to the Board of every field,—before the “holding” of a single defaulter can be put up to sale. The “holdings” are numerous; and, what with distance and references, this mode of realizing arrears is slow in its results; whilst the Tahsildar's balance sheet goes in once a fortnight. And thus the Tahsildar is strongly tempted to do, as his fathers did before him in the days of Tippoo, and before him again—turn from personal property to personal violence. Whilst it must further be remembered, that, though such practices are grossly repugnant to English, they are not so, to Hindoo minds. And on this account it is most desirable, to remove all temptation, as far as may be, by giving free scope to all legal means of realizing arrears.

21. At the end of the year there are always defaulters, who have no personal property whatever; and they may be divided into those, who won't, and those who can't pay. The latter class it will be necessary to consider at length hereafter. But the former class are almost entirely created by the necessity of obtaining the Board's sanction for the sale of their “holdings”; and they thoroughly illustrate the working of this order as regards the interests of the Government. There are numbers of men, and especially Brahmins, who are well off, but systematically conceal their personal property. They are aware of the protection given to their real property, by the necessity of a reference to the Board, in addition to the checks imposed by the law; and they thus seek to evade, or postpone, as long as possible, the payment of the Government dues. And I would respectfully submit that the ryots, and the Government, would both be gainers, if the Board were pleased to permit the sale of a defaulter's “holding” according to the Regulations; and not require in future that their sanction, also, should be obtained, before the law may be enforced.

22. Those who can't pay will always be a numerous class, where there is plenty of waste, and any man may become a landholder, and puttahdar, who can borrow a pair of bullocks and a few handfuls of seed. Some are hard working ryots, whose independent labor is so productive, that neither the Government nor the country gain, perhaps, by their being sent down again to their true level. But most are lazy, idle fellows—locusts—who are only fit to work under the eye of a master, and, under the present system, are allowed to squat on the land, year after year, to the direct loss of Government, and the labor market. Their arrears are annually remitted; and they are treated, as if they had a right in the land.

23. There has not only been the check imposed by the Board, to guard against abuses in the sale of real property; but the interpretation of the law itself is beset with many difficulties; and claims have in consequence been put forward, which the interests of society, as well as of Government, require, should be met at once. I believe that the law of distraint will soon be cleared up, by further legislation, but I must now, nevertheless, pursue this subject further, in order to ascertain how far these paupers can justly claim any lien on the land, and fix, if possible, what are the existing rights of the ryots in this respect.

24. When Regulation XXVIII of 1802 was passed, the Zemindars were considered to have been vested, by a previous enactment, with the full “proprietary right of lands” thereby made over to them; and as might be expected,

Regulation XXV of 1802.

the provisions of Regulation XXVIII, (the present law of distraint) were directed chiefly against the personal property, and person, of defaulting ryots; which might both be proceeded against, as soon as a single instalment was in arrears. The Regulation further contemplated, however, two distinct stages of time; and, after placing the above resources at the disposal of the Zemindar during the current year, proceeded to consider, what other resources were open to the Zemindar, for the protection of his rights, when the current year came to a close.

* Regulation XXVIII of 1802.

25. Under clause seventh Section XXXIV* "where arrears may not be liquidated within the current revenue year" Zemindars are empowered "to make, at the commencement of the ensuing year, due provision for the future receipt of the rents from the lands tenanted by the defaulters". Secondly. "Where defaulters may be holders of other tenures, which, by the established usage of the country, are transferable by sale or otherwise," these tenures may be brought "to sale, by application to the Court of Adawlut." And Thirdly, where defaulters have "right of occupancy only during payment of certain rents, without rights of property or possession," they may be forthwith ousted. And, when the spirit of the Zemindarry Regulations is taken into account, it is surely clear, that all ryots, who hold at the ordinary rates of assessment, were then included in the third class, and were then declared liable to be summarily ousted, if in arrears, at the end of the year.

* Regulation II of 1806.

† Act XXIII of 1857.

26. In 1806,* and again in 1857,† the provisions of Regulation XXVIII of 1802 were declared applicable, when the land is held direct of Government, at the ordinary rates of assessment; or in other words under the Ryotwar Tenure. But it has long been admitted that Regulation XXVIII cannot be upheld in its full force, either in favor of Government, or the Zemindars. The supposition on which the Regulation had been founded was false; and there were "rights of property" and "possession" in the land, which had not been transferred to the Zemindars, and have long been admitted in favor of the ryots. Both under the Ryotwar, and the Zemindar Tenure the holdings of the ryots have long been transferable by sale. There is this "right of property" and "possession." But I would nevertheless submit, that all ryots, holding at the ordinary rates of assessment, have still "right of occupancy only during payment" of that assessment; and according to law, are still liable to be summarily ousted, "at the commencement of the ensuing year"; "where arrears may not be liquidated within the current revenue year," and the "holding" is not saleable.

* G. M. Rule 20.

27. There is nothing in the past history of the country to show, that pauper ryots can justly claim to squat on land, for which they cannot pay the Government assessment. Whilst, I trust, it needs no argument to show, how essential it is to the interests of society, and the effective working of any system for the collection of the land revenue, that the legal process against defaulters should be clear and direct, not only against personal, but also against real property. And Rule 20 of the General Manual has therefore been drawn up, so as to secure, at the discretion, and on the direct order of the Collector, the speedy sale of the holding, when valuable, and the speedy ejection of the defaulter, when a pauper.

28. It has been asserted that all defaulters must be imprisoned, before being ousted; because the latter course is only provided for in the seventh clause of Sec. XXXIV; whilst the first clause, provides how the Zemindar (or Collector) must proceed to secure imprisonment. But the relative position of these clauses arises from the division of time, already referred to*, and this assertion is

* Para 24.

not borne out by the wording, or by the spirit of the Regulation. The Legislature of 1802 did not mean to throw on the Zemindars the burden of keeping every defaulting pauper in prison, before he could be ousted from his mismanaged "holding"; and, as it was expressly stated that Zemindars should "be free to exercise" the power of "ousting without previous application to the Courts of Judicature" so much of this question is clear of certain difficulties, attending the sale of "the holding."

29. When the holdings of those, who hold at the ordinary rates of assessment, are saleable, they come, apparently, at the present day within the Second Class* of "other tenures," which "may be brought to sale by application to the Court of Adawlut," and now to the Collector, under Regulation V of 1822. The object of this transfer was to secure the ryots, from oppression by a more rapid administration of the law; and, according to the law, it is now the Collector that should order the sale of a "holding" for Zemindarry arrears. Still the practice, even on this point, is contradictory; and, with reference to the preamble of Regulation V of 1822, it is thought doubtful, whether he has the power at all, as regards Ryotwar arrears. But the views set forth in the preamble of Regulation V of 1822, are not supported by any specific enactment in the body of the Regulation, and have not therefore, I believe, any legal effect. Whilst, as regards the interests of the ryots, they would clearly

* Sec. para 25, and clause seventh Sec. XXXIV Reg. XXVIII of 1802.

gain by the protection given under Regulation V to their personal property, and with the power of appeal by a regular civil suit need not fear its action on their real property. And I would respectfully submit, that both the ryots, and the Government will be great gainers by adhering to the strict letter of the law, and making Regulation V of 1822 equally applicable to the sale of personal or real property, and whether the arrears are due to Zemindars, or the Government.

30. It has been considered hitherto, that a number of sales of land is a bad sign; and it is so, when a district is divided into a few big estates. But a number of sales under the Ryotwary system is a good sign. In 100,000 ryots there must be a certain proportion of improvident men. And the number of "holdings" sold, shows how far the Ryotwary system has answered generally, and the "holdings," even of such men, have been improved and become valuable.

31. The necessity of obtaining from Madras the sanction of the Revenue Board, for the sale of every petty holding, however small, tells again in another way. Legal sales are retarded; and the result is, that a number of illegal sales are yearly effected, in evasion of the Board's orders. When the Tahsildar makes his tour, the defaulting ryots, frequently, find him followed by some rich sowcar or shopkeeper. If there was an open auction the land would go at its fair value; but with the Tahsildar on one side, and the means of paying his arrears on the other, the defaulter's holding, under the present system, is transferred at perhaps half its real value. The transfer is as surely protested against, when the Collector makes his Jumabundy and the puttahs are issued: But then it is often too late. And Rule 21 has been drawn up, so as to check this abuse.

32. Now that perfect freedom has been given to the ryots, and they can relinquish, at the end of the year, any fields, that they may no longer wish to retain, it is obvious that an unusual strain has been thrown on the working of the Ryotwary system; and that it is very needful to guard against a great privilege, being greatly abused. It will be seen, I trust, that both points have been kept steadily in view in the proposed Official Manual; and both these dangers will become less and less, I firmly believe, as capital is sunk in the land. But over a large extent of country this subject will always require great care; and the conditions, which it is proposed to attach, under Rule 22 of the General Manual, to the relinquishment of land, such as first putting the boundaries in good order, &c. are meant not only to have a direct effect, but also to secure all possible publicity; to be an adver-

G. M. rule 22.

See paras 10, and 18.

tisement of land to let—and a check on fraudulent relinquishments, which will be stronger and stronger as the land becomes more valuable; till at last the ryots will not dare to trust to the connivance of their neighbours.

33. The re-measurement of land seems opposed to the guarantee of 30 years undisturbed possession. But there will always be encroachments, which must be attended to, whether on waste, or on the fields that are thrown up, and as surely encroached upon, whilst unoccupied. Rule 23 is therefore necessary. But I must, however, add, that it has not been drawn up in strict accordance to the Board's C. O. of the 8th Dec. 1853.

No. 2551. Under this order if a field was registered as containing, for example 100 acres, and was found on being re-measured to contain only 88 acres, it must be entered in the accounts as containing 98 acres, and the ryot must thus be called on to pay for 10 acres, that do not exist. The object, apparently, of this C. O. was to discourage frequent changes in the accounts in consequence of the petty changes sure to occur in the shape of fields, without hedges. But this rule, could not probably be upheld in a Court of Justice; with reference to a coffee plantation for instance; and would seriously affect the accuracy of the accounts. I have therefore ventured to suggest another course, which may press hard in very small fields, but will effectually stop all petty changes, and secure the accuracy of the survey accounts being duly maintained.

34. I have now only to refer to the last G. M. Rule 24. Special Rules and Official Manual, for the district of Salem. to consider the other rules* forwarded with this report. Rule 24 with a view to consolidating all agricultural taxes in an assessment on the land, which, comparatively, will be free from fraud in its realization, proposes the abolition of all cesses on cattle, &c., wherever they may still exist; and then provides for the village roads being kept up by the villagers. In every civilized country in the world, it is found, I believe, that such roads can only be kept in repair, by the labour of the township or village, however regulated. And, however the principle may be carried out, I sincerely trust that this great boon may speedily be secured to the Presidency of Madras. Precise and definite rules will be a great help to the ryots, and to the Government, but there will be no sure rise of the mass in the social scale, no rapid extension of cultivation, till the country is fairly opened out. There must be the trunk roads for through traffic, made by a direct outlay of the public money. There must be the district roads made by a percentage on the assess-

ment. And there must be, *also*, the township or village roads, made and kept in repair by the villagers.

35. With regard to the Special Rules, I would briefly state, that they are only submitted now, in order to illustrate, with the accompanying Official Manual, what seems to me will be required, to carry out His Lordship's views, effectually.

36. I do not think that it would be possible to draw out a set of precise and definite rules, at once applicable to the whole Presidency, and capable of supplying the place of the ditto. The district of Salem, for instance, receives a share of two monsoons and is irrigated chiefly from tanks, and wells; whilst many peculiar customs have been allowed to spring up in this district, from the want of a general system, which must be recognized for the present at all events. On the Western Coast, again, the districts are deluged by the S. W. Monsoon; artificial irrigation is scarcely known; but the tenure of the land will be a source of some difficulty. Whilst on the Eastern Coast, the Delta districts of Tanjore, and Rajahmundry, consist almost entirely of land irrigated at the public expense. Special Rules are therefore absolutely requisite to meet such wide differences of climate, modes of irrigation, local usages, and rights in the land. And it is equally obvious that the details of such rules are out of place in a general report.

37. Till the abolition of the ditto, the Tahsildars made the round of their talooks at the beginning of each year, and suggested to the ryots how much land they should cultivate. And, consequently, there is not, as far as I can ascertain, any Hookumnamah, that provides for the due working of the Ryotwarry system, now that the ryots are left to judge for themselves, how many fields they wish to occupy. The ditto ground to the dust those, who were not strong enough to resist; but it also prevented any great fluctuations. The movement was regular, in spite of its irregularity, and, in two respects, all districts, I believe, were alike. The puttahs were invariably issued, when the Collector visited the talook, it might be two, it might be six months after the first instalment or kist had become due; and for no one operation from the beginning to the end of the revenue year, was a precise and definite period fixed, still less kept to.

38. From the peculiarities of climate and irrigation, to which reference has been already made, and the effect that they must have on the actual working of the whole Ryotwarry system, it does not seem of any use attempting to draw out an Official Manual, that would be generally applicable. There are in some districts two distinct seasons of cultivation.

tion. In other districts there is such an abundant supply of artificial irrigation, that water is often supplied in sufficient quantities, for cultivation to be going on, the whole year, and the assessment therefore varies annually according as the land receives a half, or a whole year's supply. Whilst elsewhere the assessment varies annually, according to the selling price of grain. An Official Manual, like Special Rules will be required for each district; but certain general principles can, I trust, be carried out everywhere. And it is with reference to these principles, that I shall now briefly refer, to the Official Manual drawn up for the District of Salem.

39. As it has been found necessary to abolish the ditto, in consequence of the abuses to which it gave rise, the continued occupation of the land must now be ascertained under the provisions of Sec. XII, Reg. XXX of 1802, by which every ryot is bound to make known within the first two months of the revenue year, or fusly, whether he intends to abide by his last year's puttah. In default he is held liable for the assessment on all the land for which he held a puttah in the previous year. And, as the fusly commences on the 1st of July, the 1st Rule of the Official Manual provides, for an account being drawn out on the 1st of September of all land that has been duly relinquished. After the 1st of September, no more land can be relinquished. And by the 15th September the minimum demand, for the current year, may be clearly ascertained, and duly reported, wherever the land is held on the Ryotwar Tenure.

40. Where land, that has been already assessed, is unoccupied, it seems best that its re-occupation should be made as simple a matter as possible. An attempt may very properly be made by a private individual to ascertain the means, and character of an applicant for one of his farms; but, to require such supervision at the hands of Native Revenue Officials, only leads to abuses. And it will be found that sharp practice with all defaulters, is the safest and surest way of ascertaining the competency of applicants to cultivate under the Ryotwar Tenure. Under the 2nd and 3rd Rules, the village authorities are required to put applicants in immediate possession of any unoccupied land, that has been already assessed, and report monthly the extent of land newly taken up.

41. Due provision having been made for ascertaining, first, how much of the land, occupied last year, is retained in occupation for the current year, which forms the minimum of the demand; and, secondly, how much land has been brought under occupation in the current year, that was not entered in the last year's accounts, which forms the increase;

the 4th and 6th Rules provide for combining these statements, and ascertaining, first, the total extent of land occupied and liable for the Government assessment in the current year; and, secondly, the extent to which each ryot is liable. All the fields are numbered and named; and the first statement is simply the registry of the fields in occupation, with their registered area and assessment; whilst the second statement is the division of these fields, according as they are held. And, although these statements must seem a work of great difficulty, when the extent of each district, and the number of the ryots is taken into account, in reality the process is easy enough. The country is divided into villages of a convenient size; and probably four-fifths of the work, at the least, is merely copying the registries of the previous year.

O. M. Rule 7.

42. The extent and particulars of every ryot's holding having been duly ascertained, under the 4th and 6th Rules, and on the responsibility of the Tahsildar, one full month before the first kist falls due, the preparation of the puttahs is merely so much manual labour; and it is quite possible for every puttah to be prepared, sent to the Collector, and returned by the Collector duly signed, and sealed, in time for delivery by the village authorities, according to the 7th Rule, when the first kist is called for. The statements themselves are nothing new, but the issue of puttahs, avowedly, through the village authorities, would be.

43. Under the old system, all puttahs were professedly issued in the presence of the Collector. The Tahsildar was told when the Collector might be expected to make the Jumabundy of the Talook. The ryots were assembled in due course. And all the puttahs were supposed to be distributed, village by village, as the disputes, &c., were finally settled. But, if the Collector was not preceded by the Sheristadar, and settled all disputes himself, it was frequently impossible for the disputed puttahs to be prepared in time for delivery with the rest. Yet these are the most troublesome puttahs of all; and the question naturally follows, when, how, and where, were these puttahs prepared and distributed? These puttahs were, and are still prepared when the Jumabundy is over; and they are distributed, by the village authorities, at the ryot's own door.

44. It may however be urged, that the disputed points in these puttahs, having been finally settled, the subsequent acceptance of these puttahs by no means proves that the village authorities would be equally successful in other cases, where changes have taken place in the extent of the holdings, &c. Where the size of the holding has been increased, it is the village authorities, as already stated, by whom, under Rule 3, the fact of more land having been taken up, must be reported; and, if the

size of the holding has been diminished, it is similarly, as will be seen hereafter, the village authorities, by whom the relinquishment must have been reported. And I firmly believe, that there would scarcely be a single puttah refused, were all the puttahs distributed by the village authorities—by the parties, on whose reports and responsibility, these puttahs have all been prepared. Neither is there any fear of the puttahs being suppressed; for, under Rule 5 of the General Manual, no ryot cannot be called on to pay his assessment, till the puttah has been given, or duly tendered.

45. Formerly every ryot was required to attend the Collector's Jumabundy to receive his puttah; which thus came to be considered as a document, that bound the ryot, as well as the Government. Now those only are required to attend, whose holdings have been changed. No puttahs are issued to the rest. And this loss of the yearly recognition of their rights, must be considered a boon, so long as it is considered, that puttahs can only be given in the presence of the Collector. If however it is admitted that puttahs may be given in theory, as well as in practice, by the village authorities, at the ryot's own door, the case becomes very different; and it only remains in fact to be considered, whether the results will repay the trouble of preparing and issuing copies, where the last year's puttah remains unchanged. And this additional labour will be considerable. For, where the Ryotwarry system answers, four-fifths of the puttahs may be expected to remain unchanged, (whilst the land, it is to be hoped on the contrary, has been greatly changed for the better;) and the labour of copying of these four-fifths is now avoided.

46. There will be considerable labour in giving to every ryot an yearly recognition of his rights: But on the other hand, it must be remembered, that the village accountants are as sharp, as the ryots are ignorant; and that perfect uniformity would thus be secured in the working of the system. If puttahs were issued to some, and not to others, in a few years a ryot might find that half his holding had been registered away from him, and he stood in danger of heavy penalties, for cultivating land, that he had long ago relinquished,—according to the accounts; which would end in a compromise. There are no maps, and a clever accountant, with a few years to work in, would falsify the numbers, the area, and the assessment of half the holdings in his village; if he wished to play the rogue. But yearly puttahs are a great check. It is stopping many holes with one stone. And, with this uniformity of practice, every ryot, who had his money ready, need only go to the village office, or choultry, when the first kist fell due, to get a documentary title, with which he might feel perfectly secure.

47. There will be also some difficulty, at first, in getting the ryots to take their puttahs; and it will be necessary to explain to the ryots, that the puttahs are documentary titles entirely in their favour; and that taking the puttah in no way bars a claim to remissions, if the season turns out unusually bad; whilst their liability for the assessment rests entirely on an implied consent, under Section XII Regulation XXX of 1802, to abide by last year's terms, or else, on the moochlika or engagement, which must be signed by them, under Section II of the same Regulation, when more land is taken up. And there will also be opposition from other quarters, where the motives are not so pure, and a direct loss is sustained on every ryot, whom the proposed change would enable to stay at home.

48. In those districts also where the assessment varies, according as one, or two crops are grown, or according to the selling price of grain, there will be some difficulty in issuing puttahs before the Collector's jumma-bundy. Still I hope, that even in those districts the difficulty will disappear, when the ryots find what is the true nature of the puttahs. The puttahs could be prepared in the case of irrigation, for instance, for the full amount of water, to which the land is entitled; and if the supply fell short, and that quantity was not received, the puttahs could be brought to the Collector at his jumma-bundy, and the demand adjusted as each village is disposed of. And the system without doubt will be easy everywhere, when the survey has been made.

49. There are of course many puttahs which can only be settled by the Collector and must always be kept over for the Collector's jumma-bundy; but such holdings form so small a proportion of the total demand that they in no way affect the general question; and I trust that I have proved satisfactorily, first, that puttahs can be safely issued, according to Rule 7 through the village authorities, in such time, that the ryots have really the benefit of definite agreements, when most needed, and on the other hand the Government demand can be legally enforced, if necessary; and, secondly, that it is most desirable, if puttahs can be so issued, that every ryot, should have the benefit of an yearly recognition of existing rights, whether by original puttahs or copies. Whilst it seems to follow as a matter of course, that with a body of men like the ryots, the fewer the documents to be kept, the better. Where every ryot has a puttah, of one kind or another, the back of the puttah makes the best legal receipt paper, for payment of the land revenue.

O. M. Rules 5, 10, 11, 12. 50. The 5th and 10th Rules provide for the due inspection of every village by the Tahsildar and his subordinates, and for any errors in accounts or concealed cultivation, that they may detect, being duly brought to account at the

Collector's jumma-bundy. Rule 11 gives a short enumeration of the chief subjects, that are then to be brought forward and disposed of. And, with Rule 12, which provides for drawing up the kistbundy, it may be said that the operations, for ascertaining the total demand for the current year, have been brought to a close. By Rule 11 the accounts are finally closed and the amount due from every individual ryot is finally ascertained. By Rule 12 the total amount due from the whole district, and the amount of each instalment of the total demand, is fixed with like precision.

51. The season for cultivation commences in Saleta in May with the South West monsoon; and the crops are reaped in August and September. The first instalment or Kist is therefore fixed early. It falls due about the 15th of November, and the puttahs must be prepared, according to the proposed plan by the 15th of October. But the North East monsoon has then set in; cultivation goes on; and fresh lands may be taken up till the middle of January; which involves two issues of puttahs for this district. Provision is however made in the second clause of Rule 9 of the Official Manual to prevent this peculiarity of climate from increasing the number of small holdings. Whilst it has been seen, that counter-

balancing inducements are held out by Rule 16. Para 16. 17 of the G. M. But even at the present time, it is not likely that any great extent of land will be taken up late in the year. No serious inconvenience will be felt from this local peculiarity; of which the effects must be less, each year, that cultivation extends. And any further notice of it, would be out of place in a general report.

52. The realization of the current demand, so far as it can be met by the personal property, and holdings of defaulters; and the mode in which the ryots may transfer, or relinquish outright their interest in the land; have been already provided for in the General Manual, and duly discussed; whilst the duties of the local authorities, with reference to these important subjects are severally defined in the three rules noted marginally. And I would now only state, that Rule 20 has been drawn up, with a view to preventing, by official vigilance and official accounts, any abuse of the inestimable freedom, which the ryots now enjoy, as regards the power of relinquishing land, they no longer require.

Official Manual Rules 13, 14, 15, 16, 17.

53. The rules which have been passed over, and are noted marginally, must be drawn out so entirely with reference to local circum-

stances, that their discussion, like the Special Rules, would be out of place in a general report. They refer to public works of irrigation, the occupation of land not yet assessed, cowles, and reduction of the assessment. But the occupation of land, that has not yet been assessed suggests the mention here, of a provision contained in Rule 41 of the Official Manual.

54. It has been already mentioned that the Collector's jumma bundy usually takes place in the spring, just when the season of cultivation commences. And it might be supposed, that some provision would have been made, for fixing, then, the assessment on such land, as has not yet been assessed, and the ryots may wish to cultivate in the coming year. But no such provision to the best of my knowledge has ever yet been made; and the assessment, and terms &c., have never yet been finally fixed, till the following year; when they had been, perhaps, the source of a fierce fight between the village authorities, and the ryot, for three or four days, at least. It is now proposed that Collectors, like other men of business, shall look forward, and that arrangements for the coming, as well as the past year, shall be considered at the Collector's jumma bundy.

55. There is another feature in the present system, and connected with the Collector's jumma bundy, which also seems to require further consideration. The detection of concealed cultivation is always, of course, less likely, when all inspections are over, and the jumma bundy has come to an end; and it seems equally clear that the greater the embezzlement, the greater should be the reward to the informer. But the exact reverse is the existing rule. Only *half* the sum is given for information, received after the jumma bundy! and however great the extent of concealed cultivation, the reward is limited to *fifty* rupees; which, again, cannot be given at once. A reference must be made, and the Board's sanction obtained!! This is however a question clearly beside the subjects under consideration at present, and I only refer to it now, because it is entered in the Salem Hookumnamah. It is of great importance that the hands of the officials should be strengthened by an efficient system of rewarding informers; but it is of little use to bury such information in an Official Manual.

56. The Salem Hookumnamah enters further into the question of Enams, the Moturpha, Tree tax, &c.; but the Ryotwar Tenure is of sufficient importance to require an Official Manual for itself; and it is highly desirable that all other subjects should be strictly excluded.

57. In Salem, and other districts, those who hold Enams, have hitherto been prevented, by various restrictions on the ryots, from expanding the cultivation of the Enams. And, now that the ryots have been allowed to transfer their labour, and sink their capital where they like,

a great boon has been bestowed on the Enamdars, which ought fully to compensate for the proposed enquiry into the titles of such tenures. Hitherto, it might be said, there were the wells, and there was plenty of water, but not enough buckets. The Government had given the wells; but the Government took good care that the Government buckets should not be stolen. And, now, that the buckets are made free to all, it is only fair, that the title to the wells should be clearly ascertained.

58. There is also a rule, connected with Moturpha, to which reference is specially required. One great evil in the Ryotwar system is the division of the country into small holdings; and it has been my endeavour in these rules, to oppose the tendency in that direction, by counterbalancing disadvantages. To do so by direct enactments, like all other direct restrictions, could only lead to abuses. But what can be said in favour of measures with directly the opposite effect? In favour of a Government premium on small holdings? It is scarce credible, but none the less true! And, according to the present fiscal law, "*all ryots who hold land, the assessment on which is double, what they would be liable to for house tax, are exempt from Moturpha, so long as the land assessment is duly paid.*" The ryot's house tax is a rupee. If he holds 2 rupees worth of land he is free. And there could not be more direct legislation for the creation, and preservation, of petty holdings.

59. The several subjects, of building sites, Official Manual Rules 21, 22, and the inspection of the village accounts, and village establishments, close the Official Manual; but they do not seem to need any further notice here.

60. I have now gone through the General Manual of the Ryotwar Tenure, and so much of the Official Manual, drawn up for Salem, as appeared to be of general application; and I trust that all the proposed rules will be found to point, more, or less, in the right direction.

61. The Ryotwar system has hinged for years on the Tahsildar's dittom, and the Collector's jumma bundy. The former was arbitrary and oppressive, the latter was no two years at the same time. In the proposed General Manual the ryots have been encouraged to lay out their capital freely; and the stability of the land revenue will be thus secured more wisely, than by the dittom. And in the proposed Official Manual provision has been made to prevent abuse of the freedom given, and secure the effective working of the whole system, by the introduction of uniformity and punctuality.

62. How far the proposed method may be generally applicable, can only be seen after ascertaining fully the peculiar usages, and special Rules of each district in the Presidency; and I do earnestly hope that

His Lordship in Council will be pleased to direct, that the required information be obtained, and precise and definite rules be definitely fixed and published, as soon as possible.

63. In April, last year, I did myself the honour of sending in a report, on this subject, to the Board of Revenue, and regret to find that the Board consider,* the present is not the time for drawing out such rules, as great changes are being made.

64. It must seem presumptuous in me to differ from the Board; but I would, with all deference submit for consideration, that the present is peculiarly the time for drawing out precise and definite rules.

65. I would respectfully submit, that the present is peculiarly the time for drawing up precise and definite rules, for the following reasons. First, precise and definite rules are urgently needed instead of the ditto, which has just been abolished. Secondly, the Survey and re-assessment of the whole Presidency has been begun; and it is most desirable that the exact tenure of the land in every district should be finally fixed, before it is re-assessed; and Thirdly, there is a general opinion at home that the Ryotwarry system is of necessity oppressive; and it is equally desirable that there should be, as soon as possible, the most effectual means of proving the falseness of this idea.

66. There are apparently no further changes to be made, in the general tenure of the land; and the great changes, which remain to be made, in the revenue system of the different districts, would come more fitly, in the preceding para, as a fourth reason for immediate action. For these changes will be made with more ease and to much greater advantage, when the general tenure has been defined, and the peculiar rights and usages of each district have been gathered, by the sifting of the Hukumnamahs, within easy grasp.

67. Great changes must be made in the Special Rules of each district, when the district has been surveyed; and peculiarities of assessment, &c. which give rise to many of these Special Rules, have been finally removed. And it might be urged, that the survey is the proper time for making these changes. It will be necessary then to decide, before calculating the net profits, whether the ryots are to be relieved from all cesses on cattle, or are to have the benefit of passable roads, or are in future to be allowed to grow garden produce, under Public Works, at limited irrigation rates. But, where the official sanction has been given, however improperly, and capital has been laid out, however small, it is only fair that the ryots should have as long a notice, as possible, of proposed changes. Whilst all the districts won't be surveyed within the

next 20 years, I understand; and surely the country will not be deprived till then of the inestimable benefit of precise and definite rules, published in English and the Vernacular, and accessible alike to those, who would sink capital in the land, if they knew the precise tenure, and those whose very lives are at stake.

68. I have made no allusion as yet, either to the capitalist or the ryot in arguing for immediate action; because they have required, and do require, precise and definite rules, as much yesterday, as to-day, or to-morrow. Still it must be remembered, that none can tell how much capital is lost to the country, or how much injustice the ryots must bear, each year that the country wants this security; and for these reasons also, I must again respectfully repeat my earnest request, that the Government will be pleased to push this matter forward; call at once for the requisite Special Rules and an Official Manual for every district in the Presidency; and, before this year is out, give all the benefit of precise and definite rules, to define the tenure, and regulate the working, of the Ryotwarry system.

I have the honour to remain,

Sir,

Your most Obedient Servant,

J. W. B. DYKES,

Madras Civil Service.



PROPOSED MANUAL
OF
GENERAL RULES
DECLARATORY AND EXPLANATORY
OF
THE RYOTWAR TENURE.
BY
J. W. B. DYKES,
MADRAS CIVIL SERVICE.

GENERAL MANUAL

OF THE

RYOTWAR TENURE.

II. ABSTRACT

OF

GENERAL MANUAL.

Rules.		Rules.
1. Application of the Rules.		13. Public Works of Irrigation. Class 2.
2. Permanency of Tenure.		14. Taking up Land, not yet assessed.
3. Puttahs, or Documentary Titles.		15. Cowles, or Improvement leases.
4. Fixed Assessment.		16. Puttah Receipts.
5. Direct Payment of the Assessment.		17. Charge for Puttahs.
6. Proprietary Rights.		18. Liability of Puttahdars, & Landholders.
7. Taking up Land, already assessed.		19. Remissions.
8. Subdivision of Fields.		20. Arrears.
9. Official Inspection.		21. Transfer of Puttahs.
10. Irrigation.		22. Relinquishment of Land.
11. Private Works of Irrigation.	} Class 1.	23. Measurement of Land in occupation.
12. Reserved Rights of Government.		24. Rights of common, and Rights of Way.

1. The following Rules, which set forth the Ryotwar Tenure, apply to all, who now hold land direct of the Government, at the ordinary rates of assessment, and to all, that may hereafter take up land on these terms.

2. All who hold land direct of the Government at the ordinary rates of assessment, their heirs, and successors, will be maintained in, and, as regards any claims of Government, are hereby guaranteed, the full use and enjoyment of their respective holdings, and of all the timber and fruit trees, &c. that may be thereon; so long as the assessment is duly paid, the boundaries are duly kept up, and the land is not irrigated at the public expense.

Clause 2.—The title to land irrigated from Public Works will be held equally inviolable as regards the permanency of the Tenure, but the use of such land is subject to certain restrictions to be hereafter specified.

3. A Puttah or documentary title, signed and sealed by the Collector of the District, will be given for every holding, and will show the extent and assessment of every field in the holding. Each holding will also be registered in the Public Accounts; and the Puttah will be the exact counterpart of that registry.

4. The assessment of every district will be fixed for 30 years. At the end of 30 years both the survey and assessment are liable to be revised; and the assessment may be raised. But, if it is necessary to raise the rates of assessment, the rates will be raised and the assessment fixed, invariably, without reference to the changes, that may have been made, by the outlay of private capital, in the relative value of the several holdings.

5. The assessment is to be paid direct to the Officers of Government, and by instalments; and no landholder can be called on to pay the first, or any other instalment, till the Puttah or documentary title has been given, or duly tendered, and the exact demand against the holding has thus become accurately known.

6. All, who hold puttahs, have full power to sell, or otherwise dispose of their holdings, either wholly or by fields; and, for such transfers, Puttahs will be given and registered, on application being made to that effect by the parties concerned.

Clause 2.—Puttahdars have also full power to let any, or all, of the fields, included in their respective holdings to others. But they can only recover arrears of rent by a regular Civil Suit. They cannot use the summary process employed by the Government and Zemindars for the recovery of arrears of assessment.

7. When it is desired to take up land under the Ryotwar Tenure, leave should be asked and obtained in writing from the Village Authorities, who will at once give over any land that has been already surveyed and assessed; provided that there are no other claims to it, and the application is made within the period fixed in that District for receiving such applications.

Clause 2.—The applicant will be required, under Section II Regulation XXX of 1802, to sign at the same time a Moochlika or engagement, specifying the land in question, and binding him to the due payment of the Government assessment thereon.

8. A single field may be entered in the names of several holders; but the actual sub-division of a field will not be allowed; and the whole field will be held liable for the assessment.

9. No account will be kept in future of the crops; and the Revenue authorities will only enter land in occupation, when the crops are off the ground, to see that the boundary marks are in good order. Unless there be good cause for suspecting that frauds have been committed, or attempted against the interests of Government in the matter of Irrigation, &c.; or the land is irrigated from Public Works; in either of which cases free access must be given at all times.

10. All irrigated land is divided into two classes. First, land that is irrigated by the outlay of private capital. Secondly, land that is irrigated by an outlay of public capital.

11. No additional assessment will ever be demanded for irrigation obtained by the outlay of private capital from sources, either of running or still water, that are wholly within the boundaries of the holding; provided that the well, or any other such source of supply is not situated within ten yards of the dam of a Public tank or reservoir, or within fifty yards of a river or channel, which latter provision is, to a certain extent, at the discretion of the Collector.

Clause 2.—Neither will any additional assessment be levied, on irrigation, obtained from tanks, constructed with private capital, although they may be fed by a surface drainage, that extends beyond the limits of the holding. It will simply be necessary to obtain the consent of the Collector; and this will be given as soon as it is shown that the proposed tank does not interfere with the vested rights of neighbours. But the tank must be, in due course, substantially built; and as a careful survey is indispensable before such works are begun, any attempt to build a tank, for which sanction has not been duly received, will involve at the discretion of the Collector its entire forfeiture. Whilst in all cases the applicant must bind himself to pay the ordinary assessment on all land covered by the water spread, as well as on that, which he takes up for cultivation.

12. Except in the cases referred to in Rule 11, the Government retains its right to share in the profits of all water, running or still, when applied to irrigation by the outlay of private capital; and a suitable lordship rate will be levied on the net value of the water taken. In the case of a dam across a river, &c., the net value will be calculated by deducting from the gross profits the estimated annual cost of maintaining the work, by which the water has been made available, with a liberal allowance for interest on the original outlay.

13. All fields irrigated by an outlay of the public capital are entered in the accounts as "Nunjy" and are assessed accordingly. These fields, have been supplied with water, and that supply maintained, generally speaking, at a great public expense; and so long therefore as the land is occupied, and the water is forthcoming, the full irrigation assessment must be paid, whether the water is taken or not.

Clause 2.—The use of such irrigated land is given only for the cultivation of the usual crops of the country, such as rice, sugar cane, &c., or the betel nut and cocoanut palms, &c. When any occupant desires to use it for other purposes, application must be made to the authorities for their permission; and all holders of such land are hereby warned, that they will render themselves liable to severe penalties, by any act of theirs, that may alter the levels and interfere with the due irrigation, either of their own, or any other fields irrigated at the public expense.

Clause 3.—It is however in the power of each landholder to increase the supply of water in any Nunjy field by digging a well; and such outlay of private capital will be as secure in the land irrigated at the public expense, as it would be elsewhere. The irrigation assessment is fixed with reference to the supply of water required, for a crop of rice, and no change will be made in this assessment, so long as no more water is taken from a Public Work. Neither will any attention be paid to the value of the crop grown.

14. Permission must be obtained from the Tahsildar to occupy Taking up land not yet assessed. unassessed land, as well as to irrigate, from public sources, land that as yet has not been so irrigated, and assessed accordingly; and applications for that purpose must be sent through the village Authorities, who will acknowledge their receipt.

Clause 2.—Two-thirds of the probable net profits in an average year, is the share of the produce claimed by Government. But such calculations will only be made, when the district is in the hands of the Settlement Officer; and at all other times the assessment will be calculated, in the first case, with reference to the rates fixed on the nearest fields, that have been already assessed, and are of a like quality; and, in the second case, with reference further to the available supply of water. Five and two acres are however respectively the minimum, if there is so much land available, for which applications will be admitted; the proposed rates must receive the sanction of the Collector before they can be considered as finally fixed; and the applicant will be required to raise good and substantial boundary marks, as well as sign the usual Moochlika or engagement according to Section II, Regulation XXX of 1802.

15. Improvement leases, or Cowles, will be given for bringing under cultivation any land, that cannot now be cultivated without a considerable outlay of capital. And such tenures may be sold, or otherwise disposed of, at

the pleasure of the holder; like the title to any other land, held at the ordinary rates of assessment.

Clause 2.—When a Cowle has been given for land to be irrigated at the public expense, and the supply of water totally fails in any one year, the period for which the Cowle has been given will be prolonged accordingly.

16. The amount of the several instalments, or kists, by which the total demand against each holding is to be liquidated, and the dates on which these kists fall due, will be entered on the back of the Puttahs, before the Puttahs are issued; and receipts will be given by the village Authorities, for the sums received from time to time, opposite to the kists for which they are paid. These receipts decide all questions as to arrears; and, when holdings continue unchanged, copies of the original Puttahs will be issued annually, and will in like manner form the legal receipt for all payments of the Ryotwar land revenue.

17. No charge will be made for the first Puttah, nor for the receipt copies of this Puttah, issued in the following years; when no change has been made in the holding. Nor will any charge be made when more land is taken up, and a fresh Puttah is required in consequence. But if a revision of the Puttah be required on account of some, or all of the fields being relinquished, a charge of eight annas will be made for the new Puttah; and if a ryot holds several Puttahs in the same village, a similar charge will be made for each Puttah requiring to be changed.

Clause 2.—If a ryot however has all his fields in any one village entered in the same Puttah, any number of changes, no matter how many, may be made for one payment of eight annas. And when a ryot, either new or hereafter, having several Puttahs in the same village, may wish to consolidate the several holdings in one Puttah, he will be entitled to do so free of any charge.

18. As the occupation of land is altogether voluntary, the assessment must be paid in full for all fields occupied. And each Puttahdar, and landholder, will be considered to occupy all fields entered in the last year's Puttah, as well as the land, that he may take up during the current year; unless he has relinquished his claim to the former, according to the provisions laid down in Rule 22 of this Manual. Neither will it be considered whether any of the fields have been only cultivated in part; nor for what purpose, nor how late in the year, they may have been

taken up; and the rate of assessment will never vary in future with reference to the caste of the occupier.

Clause 2.—Each Puttahdar and landholder is further liable for the due formation, and preservation, of good and substantial boundary marks for every field in his possession; and in default, the work will be done at the expense of Government, and the outlay recovered in the same way as arrears of Land Revenue under Act XX of 1855.

19. When the supply of water fails, and the crops on irrigated lands do not come to maturity, or the crops on any land held at the ordinary rates of assessment are either entirely destroyed, or greatly damaged, by causes beyond the control of the ryots, such as drought or floods, &c. a suitable remission of the assessment will be made as heretofore. The claim for remission will be considered on its own merits, and will not be barred in any way by the acceptance of the puttah, or receipt copy of the puttah, or by the fact of the demand having been already paid in part.

20. All current arrears will be realized as far as possible by the sale of the personal property of the defaulter and the imprisonment of his person, if advisable, under Reg. XXVIII of 1802 and Act XXIII of 1857; and, under the former enactment, whenever an instalment or kist is not paid to the day, the party by whom it is due, is held to be a defaulter.

Clause 2.—Where arrears may not be liquidated within the current revenue year, or fusly, the holding of the defaulter, with any other tenures, that he may be possessed of, which by the established usage of the country are transferable by sale or otherwise, will be put up to sale, and sold to the highest bidder in satisfaction of the arrears, as soon as application has been made to the Collector, and due notice given, under clause seventh Sec. XXXIV Reg. XXVIII of 1802 and Reg. V of 1822.

Clause 3.—And, as all, who hold land under the Ryotwar Tenure, have “right of occupancy only during payment of certain rents” i.e. the fixed assessment, when arrears cannot be liquidated within the current revenue year by the sale of the personal property, and the holding itself is not saleable, the Collector, on behalf of Government, will at once make due provision for the future occupation of the land; and the defaulter is liable to be forthwith ousted from the holding, under clause seventh Sec. XXXIV Reg. XXVIII of 1802.

21. When it is desired to transfer a Puttah to the name of another, an application must be made to the Village Authorities, who will forward the application

Transfer of Puttahs.

to the Tahsildar to be registered conditionally; and it is advisable that all such applications should be made before the 1st of September.

Clause 2.—The transfer will not be final, till it has been confirmed in the presence of the Collector; or the final intentions of both parties have been proved by the issue, and acceptance of the new Puttah or Puttahs.

22. When it is desired to relinquish any, or all of the fields included in the last year's Puttah, the Puttahdar has full power to do so, provided that in the former case, the land is accessible to others, and in all cases that the boundaries are left in good order, and the land and all on it is relinquished outright. A Razeenamah or deed of relinquishment should be drawn out to this effect, and presented before the 1st of July to the village Authorities; by whom, if there are no objections to the proposed relinquishment, it will be endorsed accordingly. The endorsed Razeenamah must then be given, with the Puttah for the land, to the Tahsildar; and the Tahsildar, after making such further enquiries as may be requisite, will cancel, and return the cancelled Puttah to the Puttahdar, who will be thus, fully absolved of all future liability for the land in question. If it is only a portion of the holding, that has been relinquished, so much only of the original puttah will be cancelled; and for the rest, a new Puttah will be given when the first kist is called for.

Clause 2.—The Puttahdar has the power also of relinquishing his land, if so inclined, up to the 31st of August, but in that case, it will be for him to prove that he has not occupied the land since the 1st of July, when the new fusly began.

Clause 3.—If either the village, or the Talook, authorities should object to receive a Razeenamah, or if the puttah should not be returned, duly cancelled, before the 1st of September, the puttahdar either in person, or by a properly constituted agent, is bound to appeal to the Collector within 15 days, and before the 15th of September, at the latest. And the Collector similarly is bound, either to give an immediate decision, or else allow the case to stand over for the General Jum-mahbundy; and in the meantime suspend all collections on the land in dispute. If on the other hand the puttahdar fails to appeal, or to give good reasons for not having appealed, within the prescribed period, he will be held liable for the full assessment on the land, for the current fusly.

23. After a field has been once measured and assessed, it will not be re-measured, unless some good reason is shown for believing that such a step

Measurement of Land in occupation.

is necessary; and no change will then be made in the original entry, unless the excess or deficiency exceeds ten per cent of the registered extent of the whole field, and the ascertained difference, itself, is at least half an acre. But when a fresh entry is ordered under the above provisions, the exact extent of the land will be registered, without any reference whatsoever to the previous entry.

Clause 2.—Provided that if the difference is an encroachment on waste land, the conditions of Clause 2, Rule 14 shall be duly enforced.

24. With a view to consolidating the total demand, in an assessment on the land, all cesses on cattle, or on the value of produce, wherever they may still exist, will be abolished, as soon as the district has been surveyed and re-settled. And with a view to facilitating the carriage of agricultural produce, all village roads, whether used by the villagers generally, or as occupation roads, shall be duly marked out, at the same time, if not marked out before, and kept in good repair, the former, by the community at large, the latter, by those to whose lands they lead.

Clause 2.—The work to be done on the village, and occupation, roads will be estimated by the Civil Engineer's Department; and the labour will be called for in the hot weather, when agricultural operations are slack, or at such other time as may be most convenient to the people. But the labour may always be commuted for a money payment, at the ordinary rates; and no village shall be liable for more than ten day's labour in the year.

APPENDIX No. 1.

SPECIAL RULES FOR THE DISTRICT OF SALEM, BY
J. W. B. DYKES, CIVIL SERVICE.

SPECIAL RULES

FOR THE

DISTRICT OF SALEM.

III. ABSTRACT OF SPECIAL RULES FOR THE DISTRICT OF SALEM.

- Rule 1. Time for taking up Land.
- 2. Well Cultivation. Class 1.
- 3. Irrigation from Public Works. } Class 2.
- 4. Limited Irrigation. }
- 5. Pasturage.
- 6. Applications for Cowles.
- 7. Cultivation of Coffee.
- 8. Cockburn's Cowles, or Standing Reductions.
- 9. Farm Houses, &c.

1. In fixing the earliest date at which applications for land may be received and granted, the custom of the District will be followed, as it is founded on the climate; and, although the fusly does not begin till the 1st of July, applicants will be put in possession of the land on the 1st of April, when the Chitray Calavady rains may be looked for. This forms an exception to the provisions of Rule 18 of the General Manual; and applications for waste, where the assessment has still to be fixed, should be made as early as possible in the preceding fusly; so that the proposed rates may be revised by the Tahsildar, and finally settled by the Collector, before the commencement of the season for cultivation.

Clause 2.—No land will be given for cultivation in the current fusly after the 31st of January; and if the application is for unassessed waste, it can only be received after the 1st of October by the Tahsildar or other inspecting Officer when the village is visited.

2. All wells dug before fusly 1230, or the 11th July A. D. 1820, in the eight lower Talooks of Salem, Ahtoor, Razipoor, Namcul, Purramutty, Trichengode, Senkry-droog, and Womaloor, on which an additional assessment has hitherto been paid, must be similarly paid for in future; but the additional assessment will no longer vary in any case, with reference to the crops grown, or the extent to which the field may be irrigated. A consolidated assessment has now been fixed on each of the fields, where one of these wells is situated, which must be paid so long as the field is occupied; whilst on the other hand full power is given to the occupant to use the water and the land in any way that he may wish. He may, if he chooses, use the well to irrigate another field. But so long as he makes use of the well, he will be held liable for the assessment of the field, in which the well is situated, whether that field is cultivated or not.

3. Hitherto it has been the custom to raise the rates on fields irrigated at the public expense, when the cocoanut and areca palms are grown, but not for the cultivation of sugar cane, plantains or the betel vine. In future no change will be made in the ordinary irrigation rates with reference to the crop: and, if it should be proved that more than the usual supply of water has been taken in any case, or that the proportion to which the field is entitled has been exceeded, either a suitable fine will be levied, and the practice put a stop to; or it will be considered a case of concealed cultivation and treated accordingly.

Clause 2.—As the liability for the assessment on fields irrigated at the public expense depends on a full supply of water being available till the crops come to maturity, the Revenue Authorities will inspect the crops, and make the usual cultivation reports.

4. It has also been the custom in this District to allow land, that was not originally assessed for irrigation, to be irrigated at the public expense from public tanks or channels, with a limited supply of water, for the cultivation of chillies, &c., and to fix an assessment on such cultivation below the ordinary irrigation rates. The amount of this assessment has further been liable to be changed yearly according to the extent irrigated each year in each particular field, as also with reference to any subsequent changes in the nature of the crop grown. In future all applications, for a supply of water from public works of irrigation, must be made for a full supply. And, if the application is granted, the ordinary irrigation assessment must be paid, so long as the land is occupied and the supply of water is available.

Clause 2.—Where a limited irrigation rate has been fixed already, whether at the survey or subsequently, for a limited supply of water from Public Works, permission will still be given for either a limited, or full supply to be taken for the future; on the understanding that the arrangement, which ever it may be, is final, till the present settlement is revised, and, in the former case, that the distinction of crops must be rigidly maintained.

5. Where land has been already given as pasturage, at reduced rates, no change will be made till the present settlement is revised; and such tenures may be sold or otherwise disposed of at the pleasure of the holder. But once the grass is broken up, the favourable terms are forfeited for good except in certain Talooks; and except in these Talooks no land will be given hereafter as pasturage.

Clause 2.—In the Talooks of Razipoor, Namcul, Pūrramutty, Trichengode, and Senkrydroog, a portion of the land was assessed as pasturage at the survey; and these fields will therefore still be given at pasturage rates when required for the specific purpose of being grazed. Such an assessment is liable to be raised when the grass is broken up; but will be reverted to when the land is laid down again; and these rates will hold good till the new settlement is made; when all parties, holding such land, must clearly understand, that these distinctive rates will be finally abolished.

6. All applications for Cowles, or improvement leases, must be made before the 1st of October in the preceding fusly and sent to the Tahsildar through the village Authorities, who will acknowledge in writing the receipt of such applications. But permission to occupy the land on a Cowle can only be given by the Collector; and any attempt to cultivate the land before such permission has been received, will bar all claim that the land might otherwise have had to this indulgence. It is to be distinctly understood that the authority of the Collector is required to make any temporary alteration in the amount of an assessment already fixed, or fix the assessment on lands not yet assessed; and it is essential that no change should be made in the state of the land for which a Cowle is claimed, before the terms of the Cowle are finally settled.

7. Where the climate permits the cultivation of coffee, Cowles will be given making over waste land, free of assessment, for five years. But as such land is frequently taken up on this account without due consideration, or for speculative purposes, and thrown up again at the end of the five years, the Cowle in future will begin from the third year, and the full assessment must be paid for the first two years, that the land is occupied.

8. The assessment on certain fields in this District, having Cockburn's Cowles or Standing Reductions, been reduced by Mr. Cockburn, has hitherto been always raised again, on the death of the original holder, or on the land passing into the hands of others. Pending the revision of the present settlement, such forfeitures will, in future, be at the discretion of the Collector; and those who are allowed to retain these Cowles, will be at full liberty to dispose of them as they think fit, and transfer them to others, if so inclined, whether by deed of sale, free gift, or otherwise.

9. As it has been the practice in this District to forbid the building of houses, without the consent of the Authorities, in the fields held by the Ryots for agri-

cultural purposes, whilst it is highly desirable that the Ryots and their labourers should be able to live, if possible, on the land which they till, all orders to the contrary are hereby reversed ; and full power is given to all landholders to build, or allow others to build, in any field for which they hold a Puttah, and which is not irrigated at the public expense. *

Clause 2.—The landholders or Puttahdars are responsible in all such cases for the full assessment on the land. And the houses and household property, &c. of those who have built on such lands, are likewise liable for any arrears, against any "holding" of the Puttahdar, whose land they occupy.

OFFICIAL MANUAL FOR THE DISTRICT OF SALEM,
BY J. W. B. DYKES, MADRAS CIVIL SERVICE.

IV. ABSTRACT OF OFFICIAL MANUAL.

Rules.	Rules.
1. September Statements.	12. The Kistbandy.
2. Cultivation Reports.	13. Public Works of Irrigation.
3. Teoloochits and Moochlikas.	14. Applications for land not yet assessed.
4. October Adungul Accounts.	15. Cowles.
5. Abstract and Revision of Relinquishments.	16. Reduction of assessment.
6. October Jummahbundy Chittah and Puttahs.	17. Standing Reductions or Cockburn's Cowles.
7. Issue of Puttahs.	18. Collection of the Land Revenue.
8. February Adungul Accounts.	19. Transfer of Puttahs.
9. February Jummahbundy Chittah, and Puttahs.	20. Relinquishment of Land.
10. Inspection of Talook.	21. Building Sites.
11. General Jummahbundy.	22. Inspection of Village Accounts &c.

OFFICIAL MANUAL

FOR THE

DISTRICT OF SALEM.

1. As every Puttahdar is liable, under Section XII Regulation September Statements—Cur- XXX of 1802, for the assessment on all land numis. entered in the last puttah, that is not duly relinquished “within two months after the commencement of the ensuing fusly”, and the fusly, or revenue year is now considered to commence on the 1st of July, the Curnums will leave their villages each year on the 1st of September for the Talook Cutcherry, and draw out these two statements showing, first, how much land in their respective villages has been thus given up, and secondly, the extent of land that has not been thus given up, and will therefore be liable for the regular assessment.

Clause 2.—This latter statement, which is the basis of the Land Revenue for the new fusly, will further include all transfers; as such land has not been given up outright, but merely made over to another.

2. The season for cultivation commencing in April with the Chitray Cultivation Reports.—Village Calavady rains, the village Authorities will begin sending in the monthly cultivation reports on the 1st of May; and, as the continued occupation, and consequent liability of land, does not depend in any way on what use is made of it, but merely on its being duly relinquished, or not, these reports in future will only refer to the occupation of land not entered in last year's accounts, and will simply give the fact of so many fields having been newly taken up. After the first, each subsequent report will also bring forward the extent of land thus recorded up to the end of the previous month, and, where land held for pasture, has been broken up, this fact, with the corresponding change in assessment, will likewise be duly entered.

Clause 2.—A specific entry must be made, however, as hitherto, with regard to the cultivation of every field irrigated at the public expense, since the liability of all such land does not depend on occupation alone; and the cultivation report from every village, in which there is

such irrigation, will also invariably give the depth of water in the several tanks or channels, as shewn by the respective guages on the date of despatch.

3. The Tooloochit to be given, and the Moochlika to be taken, Tooloochits and Moochlikas by the Village Authorities, when land, that has been already assessed, is newly taken up, must also be the exact counterpart of each other. The Moochlika is to be invariably forwarded to the Tahsildar with the cultivation report of that month; and, when a field that might have been made over, has been taken possession of without being applied for in due form, the regular Moochlika must be taken nevertheless and similarly forwarded. But if the Moochlika is not duly signed, when the written permission is offered, the land must be at once attached by the Village Authorities and the case reported.

Clause 2.—In Rule 7 of the General Manual, it is laid down that applications for land already assessed, shall be complied with at once, provided that there are no other claims to it," and the village Authorities will further understand that this provision includes all cases, where the ryots, from ignorance, have set to work to plough the land after a fall of rain, without making the requisite application. The actual occupation, and the outlay of the ryots' labour, must be respected, provided that the ryot subsequently conforms to the requisite conditions for holding land under the Ryotwar Tenure.

3. The extent of land, retained in occupation, and newly taken up, having been thus duly reported, the October Adungul Accounts. Curnums will assemble for the second time at the Talook Cutcherry on the 1st of October, and help to draw up the Adungul accounts, shewing field by field the total extent of all the land occupied in their respective villages up to that date with its assessment, and in the case of fields irrigated at the public expense, whether the requisite supply of water has been available and the land cultivated accordingly.

Clause 2.—The Curnums will at the same time submit two statements shewing, what extent of land has been applied for in their respective villages, that has yet to be assessed; First, for the current fusly; and, Secondly for the following fusly; and, in the latter case, whether it is applied for on cowle, or at the ordinary rates.

5. When the statements of the extent of land relinquished and Abstract and revision of re- retained in occupation are received from the linquishments. Curnums in September, an abstract must be made out and forwarded by the Tahsildar to the Collector on the 10th idem.

But it will be the duty of the Tahsildar to watch most closely the details of those accounts; see that the alleged relinquishments have been attested by both the Village Authorities, and duly filed according to the 20th Rule of this Manual; and, as soon as the abstracts have been sent in, inspect those villages where there may be apparently reason to doubt the accuracy of the returns. This inspection can be made, if necessary, by his subordinates as well, and thus the truth of the September statement may be ascertained, where it appears most requisite, before the Adungul accounts are drawn up in the following month.

6. As soon as the October Adungul accounts have been drawn out, the October Jumnahbundy Chittah and Puttahs must be prepared, on the responsibility of the Tahsildar, and sent off to the Collector by the 15th of the month. The Chittah must correspond exactly with the Adungul accounts as to the total extent of land in occupation, and the amount of its assesment; but in the Chittah the fields must be given as they are held; the details of each holding must be fully shown; and the Puttahs must be exact copies of these entries.

7. On the Puttahs and the copies of Puttahs being returned to the Issue of Puttahs—Village authorities. Tahsildar, they are all to be forthwith forwarded to the village authorities, and distributed by them, when they call for the first kist, or instalment, of the assessment, which falls due, for the first issue of Puttahs, on the 15th of November.

Clause 2.—The puttahs will be forthwith sent back to the Tahsildar duly sealed and signed.

Clause 3.—Where no change has taken place and copies of the original puttahs are prepared for receipts, these copies must be headed as such, and kept separate; though otherwise disposed of like puttahs.

8. As it is the practice to take up land for cultivation in the current February Adungul accounts. fusly, as late as January, the village authorities will continue to send in the monthly cultivation reports till the 1st of February, when the Curnums will assemble at the Talook Cutcherry for the third time, and help to draw up Additional Adungul accounts. These accounts must bring forward the extent of land registered before, as well as show all the land taken up, or brought to account since the 1st of October, and will therefore give, when the accounts are finally closed, the total extent of land in occupation for the current fusly.

9. When the February Adungul accounts have been drawn up, ^{February Jummahbundy Chittah and Puttahs.} the February Jummahbundy Chittah with the requisite Puttahs must be prepared like the October Chittah, and forwarded on the 15th of the month to the Collector, by whom the Puttahs will be returned, sealed, and signed, in time for the March kist. But the February Adungul Accounts and Chittah, must be left open till the General Jummahbundy is made, when all disputes, &c. will be settled by the Collector, Puttahs prepared and given at once, and this second and supplementary Jummahbundy Chittah finally closed.

Clause 2.—The second issue of Puttahs is to be made like the first; and, in the following fusly all supplementary puttahs are to be entered, if the puttahdars consent, in the transfer Book, and merged in due course in the original puttah.

10. From the 15th of October to the 1st of February, the Tahsil-^{Inspection of Talook—Talook Authorities.} dar will have ample time to examine his Talook thoroughly. In this anty he will be assisted by his subordinates, and all inaccuracies and additional cultivation, thus brought to light, must be duly entered in the February Adungul Accounts. It will be generally desirable that the Tahsildar should arrange so as to inspect each year a portion of the Talook, that the year before was inspected by a Subordinate; and too much care cannot be bestowed by the Tahsildar and his Subordinates on this most important duty. The October Adungul Accounts and subsequent cultivation reports will show the extent of land recorded in each village by the village Authorities, as then in occupation; and there will be no difficulty in ascertaining, whether these statements were correct, and all the occupied fields have been duly brought to account.

Clause 2.—The boundaries also must then be inspected with reference to Act XX of 1855; and, the attention of the inspecting officer must further be given to fixing the assessment, as provided in the 14th and 15th Rules, on land that has not yet been assessed, or for which a Cowle has been demanded. But when the land is required for cultivation in the following fusly great care must be taken to keep the accounts of such applications entirely separate from the accounts that show the land occupied for the current fusly.

11. When all the land in occupation for the current fusly has ^{General Jummahbundy.} been thus far brought to account, the Collector will visit the Talook to settle all cases where the occupancy or liability of the land &c., may be disputed, as well as finally fix the assessment, where this still remains

to be done, on land cultivated in the current fusly for the first time. All Village Authorities will be required to attend; and they must bring with them their accounts, and those ryots who have business to transact. The Village Authorities will be responsible as hitherto for the appearance of all ryots, whose presence is requisite at this general Jummahbundy, either as principals or witnesses; but it is to be distinctly understood that none of the other ryots are to be required to leave their village.

Clause 2.—Besides the business of the current fusly, all questions as to the occupation and assessment of land to be cultivated &c., in the following fusly, and applied for in due course, are now to be submitted for consideration, provided that the applications have been duly made. And in this way those who apply at the proper time, either for land not yet assessed, or for cowles, may know the exact terms on which the land will be given, before they begin to cultivate it. The list of such applications with the terms, as proposed by the Village Authorities, and revised by the Tahsildar, &c., must be kept perfectly separate; the orders passed must be duly recorded, and the requisite copies must be taken by the village authorities before returning to their villages.

Clause 3.—When the seasons have been so bad, and it is only just and proper that the assessment should be remitted, the special accounts, to be prepared on orders being duly received to that effect, are also to be now submitted for consideration.

12. A Kistbundy is to be drawn up in October, as soon as the ^{Kistbundy.} first Jummahbundy Chittah has been prepared; whilst the General Kistbundy must be made out after the Collector's Jummahbundy, when the second and supplementary Chittah has been finally closed. The October Kistbundy must show the amount of each kist, to the end of the year, on the land then in occupation. The General Kistbundy must bring forward the totals of the October Kistbundy, with such alteration as may have been made at the General Jummahbundy, and show in like manner the demand against all the land brought to account since the 1st of October. And the General Kistbundy will thus show the exact amount of land Revenue to be collected from the Talook for each subsequent kist, as well as the total demand against the Talook under that head, for the current fusly.

12. With regard to the Public Works of Irrigation the utmost ^{Public Works of Irrigation.} vigilance is expected from the village and Talook authorities. They must see that the water is fairly distributed, that all trifling injuries are repaired at once, and that the water is not diverted from the regular irrigation. Under

each tank or channel a certain extent of land has been assessed as capable of being irrigated from it; and leave is not to be given to irrigate other land so long as any of the fields thus assessed are still unoccupied.

Clause 2.—The village authorities will only receive and forward applications for a supply of water, when all the fields assessed as irrigated by the tank or channel in question, are occupied, there is still water to spare, and there is further good reason to believe, that the required supply of water can be obtained permanently. They will remember that the supply in future must be calculated for an ordinary crop of rice, and the application, as well as the Mochlika to be afterwards given by the applicant, must state that so long as he holds the land and the supply of water is available, the supply shall be taken and duly paid for.

Clause 3.—As the ryots have now been permitted to grow any of the usual crops, without becoming liable to an additional assessment no land in future is to be given free of assessment for the cultivation of rice, to be afterwards transplanted. The increased value now given to the land renders the old indulgence unnecessary, whilst its retention, it will be equally clear to all, involves with other details of the old system, an amount of minute supervision that is injurious alike to those by whom, and those over whom, it is exercised.

Clause 4.—The practice of cultivating the beds of tanks is also prohibited, on account of the injury done by the loosened soil, when the tank fills again.

Clause 5.—The Village authorities will be held answerable in the first instance for the due enforcement of the several provisions of this rule, and, if their orders are set at defiance, they must report the case at once to the Tahsildar, who will usually be able to dispose of it under Section LI Regulation XI of 1816. When necessary the Tahsildar will send on the case without loss of time to the Collector. And if a crop has been grown in opposition to orders, it must be forthwith attached, by the village authorities, or by the Tahsildar, if they have failed to do so.

14. The village authorities are to forward with the monthly cultivation report all applications for land that has not yet been assessed; but such applications are not to be received by the village authorities for the current fusly, after the 1st of October, and such lands are not to be included in the cultivation reports, till finally given over to the applicants. Each application must state, whether it is for the current, or coming fusly, and will be endorsed by the village authorities, as to the nature and

extent of the tract in question, the proposed boundary marks of the portion applied for, and the assessment that in their opinion may be fairly fixed on it. They themselves are however strictly forbidden to put such land under any circumstances in possession of the applicants. And if such land is taken possession of, without leave being duly obtained, the village Authorities will forthwith place the land, and the crop if there is any, under attachment, and report the case to the Tahsildar.

Clause 2.—If the total extent of waste available for cultivation is less than ten acres, the whole of it must be taken, as a remainder would otherwise be left under the prescribed limits of five acres; unless the land is capable of being irrigated from some public source of supply, when four acres will similarly be the smallest extent divisible.

Clause 3.—It is highly desirable that the proposed assessment should always be revised in the presence of the applicant and the head men of the village, by the Tahsildar himself; but whether the land is to be cultivated in the current or following fusly, it is essential that the revision should be made before the general Jummahbundy; and the Tahsildar is therefore authorized to employ Subordinates on this duty, when it is thus absolutely requisite. If the land is required for cultivation in the current fusly, it may be given over as soon as the proposed assessment has been thus duly revised. Otherwise the land is to be given over when the season for cultivation commences. But in either case the assessment can only be fixed for good by the Collector; and the Village Authorities will in all cases be held responsible that the conditions to be observed in such cases, are duly carried out before the applicant is put finally in possession.

15. When applications are made for Cowles, they are to be considered, with the exception of coffee which comes under special rules, only with reference to the actual state of the land applied for, and the probable cost of bringing it under cultivation. If it is considered that it would be only just and proper to remit the total assessment for more than one year, the Cowle should provide for a total remission of the assessment for as many years as may be deemed requisite; or, if a partial remission is considered sufficient, the cowle should be made out accordingly; but in all cases the Cowle must provide for the payment of the first year's assessment in full; and thus ensure to a certain extent that the land is taken up in good faith, and by those capable of continuing its cultivation. The applications for Cowle are to be acknowledged, endorsed and otherwise treated by the village authorities like ordinary applications for land, not yet assessed.

Clause 2.—The Cowle lands are to be kept distinct in the annual accounts as heretofore. At the close of the Cowle they are to be transferred to the regularly assessed lands of the village, and if retained in occupation, paid for accordingly. But no attention is to be given hereafter in fixing the terms of a Cowle to the extent of land held, by the occupant at the ordinary rates of assessment, nor to the nature of the crop to be cultivated.

16. When fields are left unoccupied, in which wells are situated, and on which an additional assessment has been fixed in consequence, applications may be received by the Village Authorities for the future occupation of the land at reduced rates, if the wells are out of repair; and these applications are to be forwarded to the Tahsildar.

Clause 2.—The Tahsildar will make a personal examination of all such fields, and, if himself satisfied that no body is likely to come forward, and take up the land, unless a reduction is made, either from the time that the field has been left unoccupied, or from the simple fact of the field having been relinquished outright by the last occupant, will report the case to the Collector, with his opinion as to what would be a suitable reduction. The reduction is to be calculated with reference to the rates of assessment on the neighbouring fields, and the increased value that may be given to the land by the well, in its existing state.

Clause 3.—When any Public tank or channel &c. has been seriously injured, its repair will similarly be taken into consideration; and if it should be determined not to repair it at the public expense, the fields, assessed as irrigated by it, will be forthwith re-assessed with reference to the possibility of the tank being repaired by others. But, if from changes in the levels, or for other reasons, the tank has become utterly useless, no further attention will be paid to it, and the fields will be re-assessed with reference only to their actual value.

Clause 4.—In the case of Topes, which were assessed at the survey on account of the trees, at rates in excess of the ordinary rates of the village, and have now fallen in value and been thrown out of occupation from the trees getting old, &c. the original assessment will similarly be revised, on due report being made; and new rates will be fixed on such topes with reference to the existing value of the trees and the actual worth of the land.

Clause 5.—And finally all reductions made under this Rule are to be no temporary reductions, but an assessment fixed for good; whilst all such holdings may be disposed of under the ordinary Rules.

17. When the holder of one of Cockburn's Cowles dies, the Village Authorities will report the death to the Tahsildar, and state whether in their opinion the reduction is necessary. The Tahsildar on receiving such reports will satisfy himself as to the correctness of the opinion given by the Village Authorities and report the case to the Collector. It is to be considered whether the standing reductions approach the assessment that will probably be fixed on the land at the revision of Colonel Read's survey; and if this should appear to be the case, no change will now be made. The standing reductions are to be treated as ordinary rates of assessment till the revision takes place, and the land in question is to be classed accordingly.

18. The Puttahs or the copies, as the case may be, must always be presented in future when the Village Authorities call for the first kist or instalment; and each payment must be duly recorded on the back of the Puttahs or copies. But no other change is now made in the mode of collecting and forwarding the land revenue to the Talook treasury; and the current arrears must still be realized as far as possible under Regulation XXVIII of 1802, Act XXIII of 1857, and Regulation V of 1822; according to which last Regulation the personal property of any defaulter cannot be sold till 30 days after notice has been given to the Collector of the distraint, his leave obtained, and a personal enquiry held when the justice of the claim is disputed.

Clause 2.—When arrears may not be liquidated within the current Revenue year by the sale of the defaulter's personal property, and it becomes necessary at the commencement of the ensuing fusly to make, on behalf of the Government, due provision for the future occupation of the land under clause seventh Section XXXIV Regulation XXVIII of 1802 and Act XXIII of 1857, a full report must be made by the Tahsildar, as soon after the 1st of July as possible. He will state what has been done as to the personal property &c.; whether the holding in arrears, or any portion of it, will probably clear the arrears when put up to sale; whether the defaulter is possessed of other tenures, which "by the established usage of the country are transferable by sale or otherwise; in which list will of course be included all other puttahs held by the defaulter, either in his own name, or jointly with others, under the Ryotwar Tenure; and whether in his opinion it is advisable, if the arrears are not cleared off, that the defaulter should be ousted.

Clause 3.—When the defaulting Puttahdar is not forthcoming and

the land is in the occupation of an under-tenant, from whom the arrears cannot be realized either, in all such cases, the fact of there being an under-tenant must be specially mentioned, and if any balance should remain after clearing off the arrears and all expenses, it is to be kept in deposit for two years. If not claimed within that time by the Puttahdar, this balance may then be given to the under-tenant.

Clause 4.—The practice of allowing arrears to run on into the next fusly is strictly forbidden; and, after the first kist has fallen due, it is forbidden to collect the balances of the past year, by summary process under Regulation XXVIII of 1802. But the several Authorities will of course receive, and duly carry to account, any payments made voluntarily for old balances, over and above the current demand.

19. In each Talook a Transfer Book will be kept by the Tahsildar; and all proposed transfers are to be duly entered in this book with a view to their being brought to the notice of the Collector at the general Jummahbundy. In forwarding the application, the village Authorities will report whether the transfer can be made without detriment to the public interests; and the Tahsildar having satisfied himself of the truth of this report, that the land transferred is accessible to others, &c., will make a note of the same in the "Transfer Book." At the Jummahbundy the transfer will be made final in the event of both parties continuing to desire it.

Clause 2.—If the application is made in time, Puttahs are to be drawn out, as requested for the current year, and distributed in due course by the village Authorities; and, should no objections be raised when the new puttahs are thus distributed, the entry in the "Transfer Book" will at once be considered a final registry, just as if both parties had appeared themselves, or through properly constituted agents before the Collector. But if, on the other hand, either party objects to receive the new Puttahs, and thus conclude the bargain, the case must be brought forward at the Jummahbundy; when the entry in the Transfer Book will be set aside, if the objection is still maintained; and a copy of last year's puttah will be issued for the land in question.

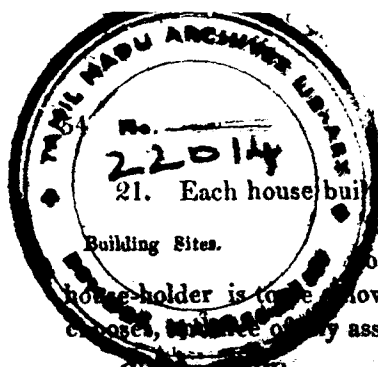
Clause 2.—As in many instances, it may be desired, and, on public grounds, it is always desirable, to bring together in one puttah all the land held by the same puttahdar, but under different puttahs, in any one village, the several authorities are required to encourage the entry in the "Transfer Book" of all cases, where the holdings can be thus consolidated, and for such consolidation no charge is to be made.

20. When razeenamahs are presented to the village authorities, they are required to visit the land, which it is proposed to relinquish, and personally ascertain, before giving their endorsement, that the land is really accessible to others, the boundaries are, or are put in good order, and the land is really given up in good faith and outright. And permission is on no account to be given in future for the relinquishment of land, whilst retaining possession at a tree tax, of any fruit trees, that may be on it. The endorsement will invariably state, when the land was visited by the village authorities; and, if they consider that the razeenamah should be refused, the endorsement must also give their reasons at length.

Clause 2.—The village authorities will continue to receive razeenamahs up to the 1st of September, where it can be distinctly proved that the land has not been occupied since the 1st of July. And the greatest care will also be needed to guard against fraudulent razeenamahs, where valuable land is not really relinquished, but nominally given up, to avoid payment, if possible, of the annual assessment. In all such cases the village authorities must accept the razeenamah and report forthwith to the Tahsildar what has taken place; and, whether thus brought to his knowledge, or discovered in any other way, it will similarly be the duty of the Tahsildar to accept such razeenamahs, and make each case known without loss of time to the Collector; by whom the requisite orders will be given, for the sale of the land on behalf of Government, or for making the land to others.

Clause 3.—All razeenamahs must pass through the hands of the village authorities, whose proceedings must be carefully scrutinized by the Tahsildar. When there are no objections to the proposed relinquishment, the Tahsildar must at once enter on the puttah the fact of the land having been given up, with the date, and returned the cancelled puttah to the Puttahdar. Or, if there are objections, the puttah must be returned, and the razeenamah endorsed accordingly. Whilst the accepted razeenamahs, on the other hand, must be filed, and the file of accepted razeenamah must be kept as a check on the September statements of the total extent of land relinquished.

Clause 4.—The village authorities will forward to the Tahsildars on the 1st of July a report of all razeenamahs accepted up to that date; and a similar statement must be sent in every fortnight up to the 1st of September. If at the end of any fortnight no razeenamahs have been accepted since the last report went in, this fact must be expressly stated, and the "razeenamah report" sent in all the same.



OFFICIAL MANUAL.

21. Each house built in the Nuttum Perumboke, (land set apart for building purposes) is entitled to the eighth part of an acre, as backyard and garden; and the householder is to be allowed to cultivate this garden in any way he chooses, without any assessment whatever.

Clause 2.—When an application is made for permission to build on land not included in the Nuttum Perumboke, and for which no puttah has been issued, the village authorities will report whether the Nuttum Perumboke in their village is fully occupied; in which case, or for such other reasons as may seem valid, the additional land sought for will be given by the Collector as additional Nuttum Perumboke, on the report from the village authorities being duly backed and forwarded by the Tahsildar.

Clause 3.—If the whole of the Nuttum Perumboke is not occupied and no good reason is shown for leaving it, a puttah must be taken for the field to be built on, or for the usual extent of unassessed land. And in all cases the Tahsildars in forwarding such reports will satisfy themselves as to their accuracy.

Clause 4.—All the villagers have a common right to the grass that is used for thatching, and grows in the beds of tanks, &c. and the village authorities are required to see, that this grass is duly divided in proportion to the extent of land, that each ryot holds.

22. When the Tahsildar, or other Subordinates, inspects a village, over which he has jurisdiction, the village authorities must submit the accounts, and the Tahsildar or other Subordinates must inspect the accounts, and obtain the signature of the Tahsildar or other Subordinates to the accounts being duly kept up. If the accounts are not presented, it will be the duty of the inspecting Officer to call for them; and, in case the accounts are in arrears make a note in them to that effect. When the village accounts are inspected at the general Jumma bundy, due notice will be taken of any irregularities, and both parties will be liable to punishment, if the village has, and the accounts have not, been inspected.

Clause 2.—An account must be kept of the money received for making out puttahs, which is to be divided between the curnum and monigar in the usual proportions.

Clause 3.—The inspecting Officer will further see that the village servants are effective, and will record the result of his observations in endorsing the accounts. He will also see that the land, assigned for their support, has not been made over to, or appropriated by others.

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