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Correspondence between the collector, (Bellamy
the Board of Revenue and the Government
regarding the settlement for years 1230
and 1231. (1820-1835)

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To

THE PRESIDENT AND MEMBERS OF THE
BOARD OF REVENUE.

GENTLEMEN,

1. The Honorable the Governor in Council has had under consideration the papers referred to in your Secretary's letter of the 17th ultimo, relative to the present condition of the Bellary Division of the Ceded Districts and the system of Revenue administration which it requires; and I am directed to convey to you the following instructions on the subject.

2. Under the circumstances apparent from the whole correspondence and particularly set forth in Mr. Thackeray's report, the Governor in Council can have no doubt to the necessity of a reduction of the assessment. That measure was recommended in 1807 to promote the prosperity of the district: it is now required to arrest its progress towards ruin and restore it to its former condition. The best mode of making the reduction is what requires to be considered, and that question embraces various particulars, on which I am directed to signify to you the sentiments of the Governor in Council.

3. It would have been convenient if the state of the Province would have admitted of the reduction being carried through in the way it has been begun by Mr. Thackeray. Those districts where it was first introduced might have begun to recover from their decline before it was extended throughout the Province, so that the revenue should never be affected to the full extent of the reduction; and the measure might have been executed satisfactorily under the Collector's personal superintendence. A gradual reduction of three or four districts in the year would however prove too slow a remedy for the evil; and the Governor in Council is satisfied that it must be introduced at once throughout the whole Province, if the deterioration of its resources is to be checked.

4. In order that every ryot may be apprized of the reduction he is entitled to and may regulate his cultivation accordingly it should be publicly proclaimed in each village that the reduction will take effect from the commencement of the current fusly. The intention of the Governor in Council is that the reduction should be general, and should not be confined to those cases that absolutely require it. The survey rates ought not to be touched with a view to equalize the assessment. Such an attempt, besides being attended with fraud and corruption, would produce endless confusion and distrust.

5. As it has been made a question whether the Ryots should not be required to make up for the reduction of the assessment by occupying waste land, I am directed to state that the Governor in Council is clearly of opinion that they should be allowed to cultivate as much or as little as they please. They will always occupy as much land as they can cultivate profitably, and it is not the interest of Government that they should occupy more. The only restriction under which they should be placed is that, in limiting their cultivation, they are not to be allowed to pick out the good land and throw up the bad, but must take the fair proportion of the two, according to the usage of the country.

6. It will be understood that the Ryots are not to be bound by any lease. To force the Ryots to occupy and to pay for as much land in bad seasons as in good is in reality to impose an extra-assessment upon them.

7. Much attention has been drawn to the injury to the revenue resulting from the cultivation of Enam land. The Governor in Council is impressed with the belief that it is the high rent on Sirkar land which has driven the ryots to cultivate Enam land and that the reduction of the assessment will cure that evil. No other measure therefore is considered necessary. If however the opinion above stated should prove unsound, a tax can hereafter be imposed on the standard assessment of Enam land. That the State has a right to impose such a tax cannot be doubted. The Native Government imposed it, by rendering the occupation of Enam land subservient to the collection of the Sirkar revenue. It would indeed be absurd if, in a country where the revenue consists mainly of a high land-rent,

one third or one fourth of a great province were not merely to be exempt from that tax but were to impede the collection of it from the rest of the Province.

8. It is the intention of the Governor in Council that the reduction of the assessment should be permanent, by which is meant, that the assessment should not be soon or often altered, though liable to be raised again at the discretion of Government, when the resources of the country may admit, and the exigencies of the state may require, an augmentation of revenue. That in reality is all the permanent settlement that can take place in any country or under any system.

9. With these explanations I am directed by the Honorable the Governor in Council to desire,

- (i) That a reduction of 25 per cent. on all dry and wet land, and of 33 per cent on well land, as proposed in 1807 be made in Bellary.
- (ii) That the reduction be made by a uniform lowering of the survey rate; that it be made immediately, and public notice be given of it in all the Villages, in order that the Ryots may have the full benefit of it in the current year.
- (iii) That the Ryots be left at liberty to increase or diminish their cultivation, with no other restriction than that of their not being permitted to separate the good and bad lands which by the custom of the village are usually rented together.
- (iv) That no restraint be imposed on the cultivation of Enam lands.
- (v) That you will issue without delay to the Collector of Bellary the necessary instructions for carrying the proposed measures into effect.

Fort St. George,
8th September 1820.

(Signed) D. HILL,
Secretary to Government.

(True Copy.)

R. CLARKE,
Secretary.

REVENUE DEPARTMENT.

To
THE COLLECTOR IN BELLARY.

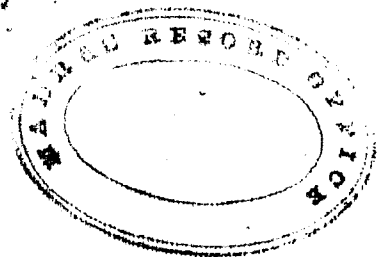
SIR,

I am directed by the Board of Revenue to transmit for your information and guidance the accompanying copy of a letter from the Secretary to Government in the Revenue Department and to desire that you will lose no time in publishing throughout the district the reduction which the Government have been pleased to resolve shall take place in the lands in your Collectorate and that you will carry into effect the other measures prescribed in the orders now forwarded:

Fort St. George,



I am,
Your most obedient servant,
R. CLARKE,
Secretary.



No. 580.

To

THE PRESIDENT AND MEMBERS OF THE
BOARD OF REVENUE.

GENTLEMEN,

1. I am directed to communicate to you such observations as your Proceedings under date the 4th of June on the settlement of Bellary for fusly 1230 have suggested to the Honorable the Governor in Council.

2. The settlement for last fusly was particularly difficult and important in consequence of the general reduction of the survey assessment which had been authorized, and the Governor in Council has been highly pleased to observe with what pains the Collector and his Assistants under his directions have exerted themselves to give full effect to that measure and to dispose satisfactorily of all points incidentally connected with it. You will apprise the Collector that the settlement is considered to have been generally formed with judgment and propriety.

3. It appears that the authorized remission has not been extended to black lands assessed no higher than two conteroy fanam per acre, nor to red lands assessed no higher than one conteroy fanam per acre, and the Governor in Council sanctions that arrangement.

4. Cocoanut gardens have also been excepted from it, to which the Governor in Council does not see any immediate objection, as they form a distinct species of property. It will however be necessary for the Collector to take care that the profit which that property affords is sufficient to provide for all the contingent charges to which it is liable, otherwise it also ought to have the benefit of the remission.

5. The Collector states that, when part of a field was uncultivated, he entered that part in his accounts as waste land, if it exceeded one-tenth of the field, but not otherwise. This is proper if, owing to *nutt* or any other cause, it was not fit for cultivation, but, if there was no such cause, a ryot, though he may not cultivate the whole field he occupies ought to pay rent for the whole, as he has made his engagement for the whole and has excluded others from occupying any part of it.

6. The Governor in Council does not approve of the Collectors having induced the wealthier ryots to take waste equal to half the remission they were to receive. The tendency of that measure is to defeat the object of the remission. The ryots are to be allowed to occupy waste land when they want it, but it is evident in this case that, though they are stated to have been willing to take it, yet it was not of their own seeking, but was intended merely to diminish the loss of revenue resulting from the remission.

7. It is considered to be very proper for the Collector to grant the old *nuth* cowle wherever it may be necessary.

8. The practice of changing the Reddies of the villages for the sake of converting the patronage of the appointment into a source of corrupt gain ought to be repressed, and the Governor in Council approves of the attention paid to that object by the Collector.

9. The Governor in Council entertains a different opinion with regard to the employment of bankers to advance the ryots kists though it was natural for the Collector at first view to consider the practice as objectionable. It is one of the great misfortunes of persons without capital to be forced to raise money on unfavorable terms; but the convenience and advantage of a command of money when required are to be set against the hard terms on which it is obtained and men are not only in general the best judges of their own interests but, even when they are [not] in that respect, cannot suddenly be induced to change their established habits of conduct. If the open intervention of the bankers in the payment of the kists

were prohibited, it is likely that the Ryots would have the more to pay for their secret assistance as a charge a higher rate of interest in consideration of the illegality of their dealings.

10. The Governor in Council approves of the Collector's intended inquiry into the quit rent payable for the Enam lands. The full *jodes* must be exacted, unless where it may exceed the survey assessment after the authorized remission.

11. With reference to what the Collector represents regarding the Pariahs in Bellary, the Governor in Council [is] unwilling that he should disturb the relative condition of the inhabitants of the district, or should act upon notions of improvement which in practice would probably turn out to be chimerical; at any rate he should be very cautious in leading to the expectation of great changes.

12. The Governor in Council conceives that it is already usual to execute small repairs of Tanks by contract and approves of the practice where the Collector finds it advisable.

13. The Governor in Council grants authority to the Collector of Bellary to remit all outstanding balances, which on enquiry may appear to be irrecoverable.

14. The Governor in Council coincides in your observations with respect to the nature of the property vested in the Ryots by the settlement, and does not apprehend that any misunderstanding is likely to arise on that point.

Fort St. George, }
10th August 1821.

(Signed) D. HILL,
Secretary to Government.

To

THE COLLECTOR IN BELLARY.

SIR,

With reference to my letter of the 15th of July, I am directed by the Board of Revenue to transmit for your information and guidance copy of the undermentioned letter:—

From the Secretary to Government, 1st November 1822.

Fort St. George, }
7th November 1822.

I am &c.,
(Signed) R. CLARKE,
Secretary.

No. 692.

To

THE PRESIDENT AND MEMBERS OF THE
BOARD OF REVENUE.

GENTLEMEN,

I am directed to acknowledge the receipt of your Secretary's letter of the 15th of July submitting the report on the settlement of Bellary for fusly 1231 and to express the extreme gratification derived by the Honorable the Governor in Council from the good effects of Mr. Campbell's zealous and judicious Administration of the Revenue affairs of that District. The Governor in Council has also observed

with much satisfaction the favorable mention made by him of the attention paid by Mr. Dalzell and Mr. Gosling, the Sub-Collector and Head Assistant Collector, to the duties entrusted to them. The amount of the settlement and the manner in which it has been formed are entirely approved.

2. The Governor in Council has particularly attended to the representations submitted by the Collector and by your Board, with respect to the necessity of adopting measures for preventing the desertion of Sircar land, with the view of occupying that of Enamdars. It may be taken for certain that the Governments by which Enams were granted (in Bellary to the extent of nearly one half of the District) never contemplated and would not have suffered that they should be improved at the expense of the land reserved to the Sircar. The usage which is the Common law of the Country has in all times seconded the views of the Government in this respect; and the Governor in Council does not apprehend that any material difficulty will be encountered in giving effect to this Common law to such extent as the circumstances of the case may still render necessary. It would be most satisfactory if the Sircar ryots were induced to give a voluntary performance to the Sircar land, and the Governor in Council still indulges the expectation that cases of the opposite kind will only be exceptions from the general practice. Even then however it may sometimes be advisable to take measures for maintaining the rights of the Government, which may be done in various ways. That proposed by the Collector, which is agreeable to former custom, seems to the Governor in Council likely in most cases to be the easiest and the best. It would be unjust as well as to no purpose, to demand revenue from a ryot who relinquished Sircar land from the want of means to cultivate it, but it is due to the rest of the community paying revenue not to allow a ryot to throw up Sircar land liable to assessment merely that he may occupy Enam land which is liable to none. The general feeling of the people concurs with the reasonableness of the case and prevents this evasion of the public dues from being common. It would be in consequence with that feeling therefore, if a ryot occupying Enam land were required to pay the assessment on the Sircar land which he had deserted. In the same manner, it would be conformable to justice and to the usage of the country and the feelings of the people to require that a certain proportion (one tenth it is said) of Sircar land should be occupied by any Sircar ryot occupying Enam land, without throwing up his Sircar land.

3. These measures are easy of exertion and in fact are the same as a Collector adopts in the ordinary discharge of his duty and they do not require that he should be vested with any new authority. The Governor in Council sees no objection to the Collector of Bellary resorting to them when necessary, but they should not be rigidly enforced, and only for the manifest purpose of maintaining the just and established rights of Government.

4. The justice of preventing Sircar Ryots from occupying Enam land till they have cultivated that of the Sircar rest on the same grounds; but the measure could not be so easily executed nor without powers which Collectors do not at present possess, and it would require a compulsory interference on the part of the public servants with the ryots and might be more liable to abuse.

5. If necessary, measures for the protection of the rights of Government may be directed more immediately to the Enamdars, either by taxing their Enams or by resuming them; when the holders infringe upon the implied conditions on which they were granted.

6. You will acquaint the Collector that he may consider himself authorized, in such cases as may require it to pursue the mode of proceeding which he has suggested, but that he should make it his study to carry the minds of the people along with him, so that his measures may be acknowledged to be just.

Fort St. George, }
1st November 1822.

I have &c.,
(Signed) D. HILL,

Extract of a letter from the Board of Revenue to the Collector of Bellary,*Dated 13th November 1823.*

3. The Board desire that the ryots may be left to increase or contract their farms according to their means, subject of course to the condition of giving up good and bad land in equal proportions, and of not throwing up any which from its situation or other circumstance would be inaccessible to others.

4. With reference to the 19th Para. of your report, I am instructed to observe that in directing the remissions for parts of fields left waste to be restricted as much as possible to cases [of] necessity, the Government did not allude to lands which were waste at the time of the survey, and which were in consequence measured in tracts of many hundred acres. Where the lands of that description may not be occupied it should be your care to have them subdivided into fields of the ordinary size, and assessed in the manner pointed out in the original instructions to the surveyors. But where fields were originally limited to such an extent as to be capable of being cultivated by a single plough, (as was the case in respect to all those under cultivation when the survey was made) it is essentially necessary that the system of occupying only a part of the fields should be prevented. If any of the land-marks have been removed or destroyed during the lease, they should be replaced.

5. The Board rely on your giving effect to the instructions now conveyed.

Fort St. George,
13th November 1823. }

(Signed) R. CLARKE,
Secretary.

Extract of a letter from the Board of Revenue to the Collector of Bellary.*Dated 4th December 1823.*

10. After the practical experience which you have had the opportunity of obtaining in the settlement of a District, the Board did not expect that you would have asked for instructions with regard to lands which may have been sown but of which the crops may have failed for want of rain; in such cases it is necessary that you should always exercise a judicious but liberal discretion in regard to collecting or remitting the assessment. Where part of a Ryot's cultivation may have succeeded from his possessing the advantage of a well or other cause, the increased price at which he will be enabled to sell the produce of that portion will counterbalance his loss, by the failure of the rest. In other cases where the failure may have been total the ryots will not only have lost the anticipated benefit of the crop but he will further have suffered to the value of the seed sown, and he will have to purchase a further supply at a price enhanced by the unfavorable nature of the season. It would be proper therefore, that you should give an attentive consideration to the claims that may be preferred for remission on this account, and the Board will be prepared to sanction them to the full extent of the necessities of the ryots.

Fort St. George,
4th December 1823. }

(Signed) R. CLARKE,
Secretary.

To

THE COLLECTOR IN BELLARY.

Sirs,

1. I am directed by the Board of Revenue to acknowledge the receipt of Mr. Viveash's letter under date 1st ultimo, transmitting copy of a Hookoomnamah proposed by him to be issued respecting the cultivation for the coming fusly.

2. As some parts of that paper appeared to be objectionable, the Board have prepared a set of Rules to be substituted in lieu thereof: these rules, together with the correspondence which has passed on the subject between the Board and the Government, are herewith sent for your information and guidance.

3. The Board direct me in particular to draw your attention to that part of their letter to Government, which relates to the occupation of mannium land: they wish you distinctly to understand, that although the limitation therein prescribed is considered proper, as a general rule, it is by no means intended to prevent the exercise of your discretion, in extending the privilege of occupying land of that description, in all cases where from former custom or other circumstance you may consider such a measure to be just and necessary.

Fort St. George,
7th June 1824. }

(Signed) R. CLARKE,
Secretary.

Instructions for carrying on the cultivation for fusly 1234.

As there is reason to believe that the restrictions, incident to the Koolwar Kayem or individual Permanent Pattah, granted in fusly 1230, have been productive of injurious effects to the ryots, by causing them to be assessed for lands they could not cultivate, notice is hereby given, that the term Kayem Pattah is to be discontinued, and that the Ryots are at full liberty to hold or throw up the lands, according to their inclination.

1. No Tahsildar, Karkoon, Village Reddy or Curnum, is to force the Ryots to cultivate.

2. The Ryots are at liberty either to cultivate in the current fusly, all lands held by them in last year or to throw all up; but if they wish to cultivate part only, and to throw up the remainder, they must according to custom, give up good and bad fields together, in order that other ryots, may be able to take them.

3. In all lands excepting the black lands, the Ryots must occupy whole fields and not parts of fields where parts of fields may have been waste, so long as to be entitled to be held on cowle should be granted.

4. If a black land field be partly cultivable, and partly waste, the Ryot who holds such field, shall receive a deduction, for both the Nutt and Shamlat Bunjer, until it shall be cleared; if the Ryot occupying such field shall have the means of getting a large Plough, and asks for cowle, cowle to be given according to the cowlenamah formerly in use.

5. Cowle always to be granted, according to the maemool in fusly 1216.

6. If the waste part of a field, does not exceed a tenth part of such field, no reduction is to be made.

7. Where lands irrigated by Capelaks (machinery worked by bullocks) or from Channels, are cultivated by several different shares, the village Officers will adjust the shares of the different Ryots, and arrange for the cultivation.

8. It is to be understood, that the Merassidars, who enjoy Manniums for cultivating the Circar Apanum lands, are not entitled to the same unlimited freedom, as is allowed to others. If any such Merassidar be unable to cultivate all his lands and occupy only a part, he must not confine his cultivation to his mannium only, but must occupy a proportionate quantity of the Circar land.

9. The Ryot who obtains a Kulwar Pattah so long as he continues to pay the Circar rent is entitled to sell his rights in the lands and will possess an absolute property of which no one can deprive him.

10. The custom of the country was to prevent the Ryots from occupying mannium lands until the usual quantity of Circar lands had been completely cultivated. But as the Ryots are now under no restraint with respect to their

cultivation, it is necessary to apply some restrictions, to the occupation of mannium lands.

(i) Every Ryot shall be [at] liberty to cultivate mannium land equal to a tenth of his Circar fields: for instance, if a man cultivates Circar land assessed at 10 Pagodas, he may cultivate also 1 Pagoda of mannium land, but if there be any Circar waste in the village, that is capable of being brought under the plough, and if the Ryot take a greater proportion of manniums land, than is here limited, the value of such extra quantity mannium land will be forfeited to the Circar. In cases where the Collector may consider this proportion of ten per cent too little, he will extend it, but it must not be done without his authority.

(ii) The above restrictions do not preclude the manniumdars from cultivating as much of their land, as they please, by means of their own people.

11. In villages where the whole of the Circar Ayacut is cultivated there shall be no restriction on the Ryots in cultivating mannium.

12. In order that it may be known, what lands the Ryots wish to keep or throw up, they must before the beginning of the ploughing season, settle with the village officers the number of the fields they wish to occupy during the year and sign a list thereof, inserting the extent and assessment of each.

13. If any of the lands, under large Tanks, to [be] taken, should not subsequently be cultivated, in consequence of the failure of the water, where the Ryots have done all in their power to obtain a crop, such uncultivated land will be deducted at the time of Jummabundy after the necessary inquiries shall have been made, but such remissions will not be allowed in any other case, because by occupying the land, the ryot will prevent others from taking it.

14. Those ryots who wish to take up more land, may do so at any time of the year if it be unoccupied.

15. On the expiration of the Cowle granted for black lands should the ryot not wish to retain the land, it is to be made over to the Circar, in a clear state and free from nuth.

16. If there be any fields too large to be cultivated by one plough the Tahsildar should proceed personally to the spot, and subdivide them into fields of the proper size according to the original survey instructions, numbering each field separately and proportioning the assessment in such a way as to make the aggregate assessment on the several subdivisions, correspond with that originally fixed on the whole tract. On such occasions, the account particulars, should always be submitted to the Hoozoor Cutcherry.

17. When the boundary stones put down at the survey have been removed or lost, they are to be replaced in the following manner:--

(i) If removed from fields still occupied by Kadoem ryots or their descendants, they shall be replaced by the occupant.

(ii) But if the land be occupied by a new ryot, the boundaries shall be restored in one of the two following ways:--

(i) If the Merassidar of the village was the renter during the Decennial lease and if he or his descendants continue to hold the Merassy, the stones shall be replaced by them.

(ii) If the village was rented to any other person the Reddy and Curnum shall cause the village servants to replace the boundary stones: this is just, because it is through their carelessness, that the original limits [have] been lost.

(iii) In the mannium lands, the boundaries to be replaced by the Manniumdars.

(iv) In the Circar waste land at the expense of the Circar.

If the foregoing instructions for restoring the boundary stones are in any instance neglected, it will be the duty of the Tahsildar to proceed to one or two villages, and replace the stones, and the charges will afterwards be collected from the individuals, by whom they were required to be replaced, and if after such example the other villagers shall not execute the above direction, they are to understand, that the same rule will be observed in regard to them also.

(Signed) R. CLARKE,
Secretary.

REVENUE DEPARTMENT.

No. 377.

To

THE PRESIDENT AND MEMBERS OF THE
BOARD OF REVENUE.

GENTLEMEN,

I am directed to acknowledge the receipt of your Secretary's letter of the 20th ultimo submitting a revised draft of instructions for the guidance of the Tahsildars with regard to the cultivation in Bellary. The Governor in Council approves of the proposed instructions and thinks them calculated to prove very beneficial: at the same time the Collector and those acting under his orders should be given distinctly to understand that these instructions are only meant to serve the purpose of general rules, where rules may be found wanting, but by no means to supersede the usage of the country. Every well established practice should be adhered to, and wherever a new state of things may in any respect have arisen, the analogy of the practice under former circumstances and a combined regard to the welfare of the people and the public interests will suggest the course of proceedings proper to be pursued.

Fort St. George, }
4th June 1824. }

(Signed) D. HILL,
Chief Secretary,

Extract of a letter from the Secretary to Government,
to the Board of Revenue.

Dated 9th November 1824.

When the stock of the Ryots increases beyond what is sufficient for the due culture of their present lands, they will take more; and it will then be easily discovered, by what they reject, what is actually over assessed. A remission should then be made; and a second and final remission be granted to all such land as may be found to be over assessed which the Governor in Council does not believe will make altogether a difference of Twenty thousand Rupees on the present assessment of the whole Collectorate. But no revision should be attempted for at least seven, or, probably eight or ten years. In the meantime the assessment should not be touched, in any instance, under any plea whatever. The mischief of tampering with the assessment is, that it destroys all confidence in its permanence; that if indulgence is granted in one place, it is expected in another, and cannot be refused without occasioning discontent, and that when once begun it never stops. If instead of 25 we were to give up 50 per cent., it would not perceptibly diminish the calls of the Ryots for remission, whenever they see that there is any chance of getting it.

The facility with which they can obtain it, unless strictly prohibited, is exemplified on the cowies granted by the Sub-Collector where it will be found, that much land, originally assessed so low as from 1½ to 2½ Conteroy fanams, or from one shilling to eighteen pence, per acre, and afterwards reduced 25 per cent., was still thought too high and all reduced to half a conteroy fanam, or four pence, per acre.

13. It has already been observed, that a portion of the land rent, amounting probably to one-fifth, is paid by poor Ryots, many of whom never pay the full rent. The Ryots should according to ancient usage, have an abatement of rent; for one, two or more years, until they can pay the full rate; but no alteration of the assessment should be made on their account; for it never could be adapted to their circumstances, without sacrificing the revenue altogether. We shall always have these Ryots, as long as there is unoccupied land; however flourishing the country may be. No reduction of rent will enable us to get rid of them; for their existence is not connected with the assessment, but is inherent in the state of society and the customs of the country. They are chiefly composed of the sons of petty Ryots and of industrious labourers, struggling with small and often inadequate means, to become independent ryots. Many of them fail—but more are successful; and they not only fill up the vacancies constantly occurring among the old ryots, from various accidents and calamities, but augment, progressively, the great body of the more substantial ryots, on whom the security of the Revenue chiefly depends.

Fort St. George,
9th November 1824.

(Signed) J. STOKES,
Secretary to Government.

(True copy)

(Signed) D. ELIOTT,
Junior Deputy Secretary.

REVENUE DEPARTMENT.

Extract from the Proceedings of the Board of Revenue,

Dated 18th November 1824.

8. But necessary and important as it is that the full benefit of the established abatement should be granted to persons undertaking to clear waste, it is equally so that the system should be uniform and that no favor or distinction should be shown to individuals. Judging from the list of cowles given by the Collector, in Para 25 of his report, it would appear that the term during which the cowles are to run, has in many cases been extended beyond the regular and authorized period: any irregularities of this nature cannot fail to excite feelings of jealousy and discontent, and should be corrected as early as possible.

17. Another source of regret is the contradictory orders issued by the Collector in regard to the rights of individuals who may sink wells at their own expense: it seems difficult to account for instructions so totally inconsistent with each other. In the opinion of the Board, and it is an opinion already frequently expressed, any improvement effected at the personal cost of the ryot, and without abandoning his other usual fields should be his own right. In stating this however, they must be understood to allude only to cases where the work may be of a durable nature. In many parts of the Ceded Districts, and indeed in many places all over India, water may be procured by merely digging a hole, and supporting the surrounding earth by twigs intertwined within each other. To extend the application of the rule to lands of this description whether there is no expenditure either of labour or money would be to give the inhabitants of these tracts an undue advantage over their neighbours, although not so expressed by Mr. Robertson. The Board have reason to know that the principle laid down by the former Principal Collector excluded temporary works of this sort, and that the exemption from an increased rent was neither intended nor granted in any instance, where the well was not either faced with stone, or cut through a rocky soil where the expense was considerable and the advantage permanent.

19. The Board, with reference to the condition that where lands should be thrown up good and bad should be relinquished together, took occasion to remark that the precise meaning of the term varied according to the peculiar circumstances and customs of different villages; that where there are lands watered by channels Sircar wells and tanks it means proportion of wet and dry land, while in other villages where there are dry lands only it implies near and distant fields or fields of black and red soil, which from time out of mind have been held together.

Extract of a letter from the Secretary to Government to the Board of Revenue,

Under date the 12th July 1825.

6. The whole tenor of the repeated orders of Government evidently required that the ryots should be allowed to occupy as much or as little land as they pleased. It is clear, however, that some limitations are necessary with respect to the selection and partition of fields by individuals. The public interests would be injured if a ryot were allowed to exclude others from a much greater extent of land than he could himself cultivate, and to pay only in proportion to the extent of his cultivation, either of the best parts of fields, or of the fields which would afford him the best returns. Hence the orders of Government with respect to the occupation of parts of fields, and to the giving up of good and bad or high and low, assessed fields together. These orders required the Collector's attention to points upon which, in bringing into operation the general principle of freedom of occupancy, it was necessary to exercise a discretionary authority, with due regard to local circumstances and local usage. But they are in vain cited either to justify or to account for the course of proceeding adopted by Mr. Campbell in direct opposition to that principle, as well as to the manifest and declared objects of Government in ordering a large reduction of the assessment in the province which had been committed to his charge.

12. On the subject of Dusvundums, I am directed to refer you to my letter of this date No. 387 and to add that the Governor in Council concurs in your opinion that a considerable latitude of discretion may be allowed to Collectors in the grant of Shamelot Dusvundums, but that Khunda Dusvundums should be granted only under your special authority.

Extract from the Proceedings of the Board of Revenue,

Dated 29th December 1825.

0. The difference he accounts for by showing that dry waste estimated at more than a lac of Rupees included in the settlement of 1236, was struck out of the Puttahs in last year under a new arrangement introduced by him to clear up the confusion which had before prevailed regarding the waste parts of fields called shamelot. The new arrangement was "first to distinguish in the accounts all land occupied in fasly 1234 as it was originally classed at the survey." Secondly to enter all Term Fields classed at the survey as "cultivated" say fields both great and small in the Puttahs as well as all fields newly subdivided, making the usual deductions for the shamelot or waste parts, and lastly with regard to *layeh* and *anadi* numbers, or the tracts classed as immemorial waste capable of cultivation, to enter only such parts as were actually cultivated, or what the Ryots having customarily cultivated, though waste in this, might wish to keep for the next year's cultivation." The last part of the arrangement gives rise to the difference, as in 1234, only the land actually cultivated in the numbers was entered in the Jammabundy whereas by the measure adopted in 1233, of subdividing the tracts partially cultivated into fields of 40 acres, a considerable portion of waste was included in the Puttahs with the cultivated land. The arrangement above described is fully approved by the Board under the present circumstances of this District.

8. The Collector has this year ascertained and entered in the accounts the actual number of Ryots holding Puttahs instead of reckoning them as was formerly the custom according to the number of Puttahs issued. The Board expressed their approbation of this change in their Proceedings on the settlement of 1233. It appears that he has also introduced another change in respect to Puttahs, by causing, in all practicable cases, all the lands cultivated by a Ryot in one village to be entered in one puttah. The Board are not aware of any objection to this practice.

9. In para. 14 the Collector explains the measures adopted by him in regard to Ryots occupying Enam land, beyond the proportion of one-tenth of the land held by them of the Circar, which they are allowed by the rules lately prescribed to cultivate without interference. He states that he called together the leading men and desired them to suggest some means to satisfy the Government on this point. They accordingly stated their opinion. "First, that every Ryot cultivating Enam, without occupying any Circar Land, should pay one Conteroy fanam on every Pagoda of the assessment on the Enam land cultivated by him. 2ndly that Ryots cultivating more Enam than Circar land, should pay half a fanam per Pagoda on the assessment of such part of Enam land cultivated by them over and above the quantity limited by the proclamation and lastly that it depended upon the Circar's pleasure to fine or excuse such Ryots, who occupying both Circar and Enam land in the last year, may now have relinquished part of the former and still cultivated the whole of the latter." These propositions were approved by the Collector and ordered to be carried into effect generally throughout the District. The amount of extra assessment levied accordingly from "Ryots cultivating Enam but no Circar land" and from "Ryots cultivating more Enam than Circar land" was Rupees 7,560-0-10. In addition to this it appears that Rupees 9,565-7-4 were levied on account of waste imposed on Ryots cultivating Enam to excess, as the Board understand,

agreeably to the last article of the propositions above mentioned, and that Rs. 12,268-10-5 were also levied on account of Reddies appanum left waste by the holders in order to cultivate their Enam land, as by the immemorial custom of the country the Reddies are bound to keep up the cultivation of their appanums, and only hold their Enams on the condition of doing so, it was quite proper to enforce this assessment. The Board also approve generally of the arrangement of the Collector regarding the cultivation of Enams, as a temporary measure. It is desirable to introduce the restrictions which have become necessary in this respect, by degrees, and so that they may press with as little severity as possible on the people who will be affected by them: and it is a great object for the Collector to carry along with him the feelings of the inhabitants in favour of the measures which are adopted to attain the end in view.

11. The Collector has submitted a copy and translation of the Puttah issued for 1284 together with a copy and translation of the kayam or permanent Puttah before in use. In the new Puttahs, he observes no provision is made for levying an extra assessment upon the Ryots of a village generally, to compensate for the failure of individuals. * * * The Collector states that he anticipates no injury to the interests of the Circar from the discontinuance of the obligation: the Board concur in his sentiments on this point, and therefore approve of the omission.

20. The Collector will of course be careful that the Ryots who take advantage of the waste Cows do not throw up land already under cultivation, and paying the full tax, for the purpose of transferring their stock to the waste. On the whole the Board highly approve of the measures adopted by the Collector with the view of rendering the nuth lands productive, and they consider that his endeavours to rouse the people to exertion in a way so beneficial to themselves, and ultimately to the state, merit particular commendation.

22. The Board approve of this suggestion, but as the tank has not been newly constructed, the extent of the Duavundum should be proportioned only to the cost of the repairs, without reference to the actual value of the resources afforded by the tank.

30. Regarding the Southern Talooks of Pengendah, Kodikondah, Madugserah and Dhurmavaram, he observes that "there is an increase of cultivation in all the talooks above that at the survey," and that in Madugserah "the increase is so high as 41 per cent."

31. The Collector remarks that the extent of Dry land converted into Wet in the above Talooks exceeds the aggregate amount in the whole District besides. This description of land, he states, has been allowed the same remission as the land whose rent was originally fixed by the survey. He adds that he is not sure whether this was the intention of Government, but that at any rate it has had the effect of inducing the Ryots to throw up high rated. Iyen or original, wet land for this new land, which has every where been taxed with a very low addition: rent not exceeding half the amount of the average rent of wet land in Fusly 1215. The Collector proceeds to observe that in carrying into effect the general reduction of the assessment, the only exception made was of such black soil as had originally been assessed so low as two Conteroy fanams per acre, and that the exclusion from the remission has accordingly in point of fact been confined to dry land. The Collector then refers to the orders of the former Principal Collector relative to lands over assessed at the survey by which enquiry was restricted to dry land assessed above 2 fanams per acre, and to wet lands assessed above 10 fanams per acre, and states his opinion "that Iyen or original, wet land assessed no higher than 10 Conteroy fanams need not be allowed the benefit of the remission, nor any dry land converted into wet, excepting well land, unless when the assessment thereon has been fixed on a fair principle, that is equal to the average assessment of the Iyen wet land of the same village or its neighbourhood." The Board concur with the Collector as to the propriety of the principles here stated, and approve of his adopting them as a general rule for the present: they think it however probable that he will find occasion to relax this rule in particular cases, and they desire that he will do so whenever he considers it necessary. The Board believe that the whole amount of wet land assessed under 10 fanams at the survey was no more than Rs. 9,684.

34. As the Collector states that he is interested in this project the Board regret that they cannot approve of it. They consider it objectionable to draw away cultivators from one part of the country to another by the offer of more favourable terms than are usual: a plan of this kind will generally be successful in improving the village to which the cultivators are attracted; but it rarely happens that the village which is left remains in the same condition as before: generally sooner or later it declines.

37. The remission of the original rate of additional assessment on lands watered from the river Toombadra and producing a second crop, is entirely approved for the reasons stated by Mr. Viveash, whose sentiments as to the principle by which the assessment on the second crop should be regulated are quite correct. The Board also approve of the small Enam of Rupees 14-9-4 granted to Ryots who had constructed a well at a considerable expense; works of this description, as the Collector justly observes, should always be encouraged provided they are in situations as in the present case in which they are likely to be of much utility.

Extract from a letter from Mr. Secretary Macleod to the Board,

Dated 21st January 1826.

2. The Governor in Council observes, that the Caboolaty Banjar, though thrown up by the ryot when he found that the rain had failed, may have been taken by him voluntarily in the early part of the season. It is necessary that he should declare early what he means to keep or take, in order that what he will not engage for may be given to another.

6. The Governor in Council approves generally of the measures taken by the Collector with respect to Enam lands.

7. The alteration made in the Putta, by striking out the provisions for levying an extra assessment on the other ryots of a village to compensate for the failure of individuals, is approved of. The Mochilka should be retained as proposed by your Board.

10. The Proceedings of the Collector in regard to the nuth Cowie are considered very proper. His conduct, of which the 29th paragraph of his Report gives an account, in granting the established abatement to such ryots as had cleared their fields, has attracted particular approbation.

11. Your Board and the Collector seem to concur in thinking that nuth Land for which remission is made should be surveyed. The Governor in Council will be prepared to sanction the expense which it may be necessary to incur on this account.

14. The Collector proposes not to grant remission to "Iyen or original wet land assessed no higher than ten conteroy fanams, nor to dry land converted into wet, excepting well land unless when the assessment thereon has been fixed on a fair principle, that is equal to the average assessment of the Iyen wet land of the same village or its neighbourhood." Your Board approve of the Collectors making this a general rule for the present; but you think it probable that he will find occasion to release application in particular cases; and you have directed him to do so whenever he considers it necessary. The Governor in Council concurs in your sentiments on this subject, and approves of your instruction to the Collector.

15. The Governor in Council concurs with you in regarding as objectionable and unfit to be carried into effect the proposal of the Collector which is here adverted to. The granting of more favorable terms in a particular case than the usual cowle affords could only operate as an injudicious bounty, disturbing the natural tendency of industry to employ itself in the manner most profitable both to the people and the state.

Extract from a letter from the Secretary to Government in the Revenue Department,

Dated 25th November 1825.

5. A great portion of the Enam lands in the Ceded Districts have been obtained from no competent authority and are held by no valid titles. It was intended that a full investigation concerning them should have been made after the completion of the survey; but as it required much time and leisure, it was carried into effect only in a few divisions. The Collectors both of Cuddappah and Bellary should be required to renew the enquiry and complete it gradually. It might be advisable that this enquiry should extend to the object of ascertaining to what length the cultivation of each Enam had been carried either when the Enam was granted or at the period of the survey so that the part subsequently brought into cultivation may eventually be made liable to assessment, a measure in no respect at variance with the conditions and understanding on which Enams have been conferred.

Extract from the Proceedings of the Board of Revenue,

Dated the 1st March 1827.

13. It was not however intended that the restrictions should stop here, but that they should be gradually extended and notified according to circumstances and the Board trust that the Principal Collector will still give this subject his particular attention. It is much to be desired that the Ryots should not be impressed with the idea that the Extra assessment, as established at present, is a fixed measure, and that upon the conditions annexed to it, they are at liberty to occupy as much Enams their interest and inclination prompt them to cultivate; for, if they imagine that it is a right, and not an indulgence, there cannot be a doubt that more Enam will be taken at the expense of the Circar land. It has been observed that Mr. Robertson found it expedient to tax the Ryots for the Circar fields which they have relinquished, and the Board are inclined to apprehend that even this measure will be insufficient to repress the evil effectually.

CIRCULAR.

To

THE PRINCIPAL COLLECTOR OF BELLARY.

Sir,

1. Much inconvenience having been experienced from Collectors and Sub-Collectors having introduced into their annual reports upon the settlement of the Land Revenue, discussions relating to other matters, the Board have lately been under the necessity of returning some reports for correction. It is extremely desirable that all remarks and suggestions regarding extra sources of collection, or the principles of former surveys and assessments, and their supposed omissions and defects, should be made the subject of separate communications. The consideration of such remarks must necessarily be suspended by the Board until the general subject comes regularly before them, and it has sometimes happened that information valuable in itself has thus been lost sight of.

2. The Board request therefore that you will confine your Jummabundy report to the transactions of the settlement and matters immediately relating thereto, and that you will issue similar instructions to the Sub-Collector.

Fort St. George, 28th August 1828.

I have &c.,

(Signed) A. ROBERTSON,
Deputy Secretary.

Extract of a Circular letter from the Board of Revenue,

Under date the 20th August 1829.

1 Mah-
tash.

2. I am directed to take this opportunity to transmit to you the accompanying form* of a statement intended to show the extent of Sunjee land on which the crops have perished for want of water, and the remission allowed thereon, and to request that when remissions are made on this account a statement according to the form both in English and Maharatta may be furnished with the Jummabundy report. If such remissions have been made in the last fasly you will furnish a statement thereof according to the form, but you will not delay your report in order that the statement may accompany it.

A true extract

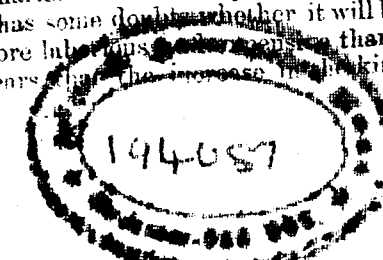
(Signed) R. T. PORTER,
Sr. Junior Deputy Secretary.

Extract from the Proceedings of the Board of Revenue,

Under date the 22nd March 1830.

7. The difference between the survey assessment of the land entered in the accounts of the settlement and in the village accounts prepared by the Curmums is stated by the Principal Collector to be Rupees 1,54,467-8-5. The cause of the difference is explained. The deductions from the Curnum's accounts excepting those made in consequence of the death or desertion of the Ryots were almost all on account of Tank land which could not be ploughed for want of water. In their proceedings on the settlement of Fasly 1236 the Board expressed their opinion that the full extent and value of all the land engaged for at the commencement of the season as entered in the Curnum's accounts should be entered also in the accounts of the settlement, and that all the deductions from the Curnum's accounts should be exhibited in the latter. The Government however objected to this arrangement and it has not been adopted.

9. The Principal Collector also remarks as satisfactory an increase of cultivation by means of wells; he states however that he has some doubts whether it will be continued as the cultivation of lands irrigated by wells is more laborious than the cultivation of lands irrigated by other means. It appears that the increase in the kind of cultivation in

* (Sun-
Jama.)

14. The Principal Collector states that the Enam Tullerock is confined to lands held free of tax, the quit rent on Jodee Enam being usually so high as to render any restriction on the cultivation of such land inexpedient. The Board consider this rule to be right when the quit rent is sufficiently high to admit of its acting as a check but where as in many cases it is more an acknowledgement of tenure than a tax, the Board think that the ryots cultivating these Enams should be subjected to the operation of the extra assessment.

22. The Board are of opinion that the conditions of the Cowlemamah of fasly 1216 should be strictly conformed to, in all its parts. It was established at a period when the whole of the Ceded Districts was under one authority and it is clear from its provisions that the local peculiarities adverted to by the Principal Collector were fully considered at the time it was drawn up.

30. The Forts alluded to, if consisting merely of a wall of defence round villages in the open country, ought not to be permitted to fall to decay, but there are others in the vicinity of Hills and Jungle which, if repaired, would only become an asylum for robbers.

Extract from a letter from the Secretary to Government
to the Board of Revenue,

Dated 27th March 1827.

3. The Principal Collector will be careful to revert to the former mode of entering in his accounts the Kayem Jodee villages referred to in the 20th Para. of your Proceedings, and will on future occasions avoid making any changes in large established usages without previous sanction.

Extract from the Proceedings of the Board of Revenue.

Under date the 14th April 1828.

6. The Principal Collector observes that the above statement does not show the full extent and value of the cultivation, entered in the Curmums' accounts. The difference amounting to Rupees 48,590 in the survey assessment, he explains "almost entirely arises from Wet land, which the Ryots had agreed for at the beginning of the season, in expectation of the tanks filling—but which they did not plough for want of water, being struck out of account at the settlement." As it appears that the cultivation of this land had been engaged for, the Board think it would have been more regular to have included it in the gross in the accounts of the settlement, deducting it afterwards with the various other items of remission in the accounts of the net demand; and they recommend to the Principal Collector the adoption of this system in future.

15. With reference to this subject the Principal Collector observes that "in a few cases, in the Goollem Talook where it appears the land has either been imperfectly cleared or not at all, the people who originally took up the cowle have been compelled to retain such fields until they have fulfilled the conditions on which the cowle was granted, viz., the making over the land in a clear state and free from thith." The Board entirely concur with Mr. Robertson as to the importance of keeping the Ryots strictly to their engagements in this respect; and the measures stated to have been taken with this view are considered to be very proper.

28. The Board concur in the observations of the Principal Collector in the subject of Coconut Gardens which is discussed in the latter part of the Sub-Collector's report and approve of the instructions proposed to be issued to the Sub-Collector.

Extract from a letter from the Secretary to Government,

Dated 16th May 1828.

3. It seems doubtful whether any benefit will result from including in the accounts of the settlement, lands which the Ryots had agreed for at the beginning of the season in expectation of the Tanks filling, but which they did not plough for want of water: on such lands there cannot in fact be any demand for revenue and there cannot therefore be any occasion for remission. The case is different with lands which have been sown, but on which the crops have not come to maturity. The demand on these must be entered in the accounts of the settlement, and any portion of the assessment which may be given up in consequence of a failure of the crop will come properly under the head of remission.

4. The Right Honorable the Governor in Council fully concurs in your remarks on the inexpediency of making alterations in the established sub-divisions of a District; and thinks it should never be done unless the necessity be shown.

CIRCULAR.

THE PRINCIPAL COLLECTOR OF BELLARY.

sly 1237 was owing to the failure of the usual supply of water from tanks and Nullahs which caused a decrease in the cultivation of land irrigated from those sources, and induced Ryots to apply their labour to lands which could be watered from wells. It is observed that the increase was chiefly in paddy lands, of which there was much dependent on Tanks and Nullahs thrown out of cultivation: when the Tanks and Nullahs afford plenty of water for a cultivation of as much land as the Ryots can till he will naturally apply his labour to this and of cultivation rather than to that which he must carry on by means of irrigation from wells, which is so much more expensive and troublesome. The importance of the latter kind of cultivation to the security of the people in times of drought however is so great that the Principal Collector does right to encourage and promote its extension as a permanent source.

Extract from the Proceedings of the Board of Revenue,

Dated 29th March 1830.

18. As the condition of the cowle by which the land is allowed to be held at a low assessment is that it shall be thoroughly cleared, it is but just that those who have enjoyed the advantage so long without fulfilling the condition, should after the expiration of the term be compelled to pay the full assessment until they perform it.

23. Of the balance of arrears outstanding at the end of the Fusly, Rs. 2,448-9-4 is considered desperate, and the Board resolve to recommend that this sum may be written off. The amount remitted to each Ryot should be noted on the back of his Putta for the year for which the remission is allowed.

Extract from a letter from the Secretary to Government,

Under date 15th October 1830.

9. "In conclusion, the Right Honorable the Governor in Council desires that all Collectors may be desired on the occasion of reporting on the settlement of their districts, to state the amount of the charges of the year, as correctly as they may at the period be able to ascertain them, compared with those of the preceding year.

REVENUE DEPARTMENT.

CIRCULAR.

THE PRINCIPAL COLLECTOR OF BELLARY.

SIR, It appearing that different constructions are put upon the order of Government conveyed in Mr. Secretary Chamber's letter of the 15th ultimo, I am directed to state for your future guidance that the Board of Revenue understand it to be the intention of Government that the Jumma bundy report for every year should contain an abstract of the charges of that year and the year preceding: they think that the abstract should correspond with the general statement [of] charges which is furnished annually and should show the results. The most convenient arrangement for the future, they conceive, will be to transmit the general statements of collections and charges in the same packet with the Jumma bundy report, when that report is not forwarded until after the close of the fusly. It will be proper to show the percentage of charges on each branch of revenue in the abstract and to distinguish what are properly charges of management and collections from those which are properly charges upon the revenue, such as charitable allowances, Pagodas and Mosque allowances, compensation for revenue offices and privileges, &c.

Revenue Board Office,
Fort St. George, 29th November 1830.

I have &c.
(Signed) R. T. PORTER,
Ag. Junior Deputy Secretary.

For the purpose of reminding you of the principles which ought to be observed in deciding upon claims to remission I am directed by the Board of Revenue to transmit to you the papers here undermentioned:—

Extract from a letter from the Board of Revenue to Government, dated 1st May 1831. Paras. 2 and 3.

Extract from a letter from Government dated 4th March 1825 annexed to the above. Copy of a letter from Government, dated 3rd June 1831.

Revenue Board Office,
Fort St. George, 13th June 1831.

I have &c.
(Signed) R. T. PORTER,
Junior Deputy Secretary.

Extract from a letter to the Acting Chief Secretary to Government,

Dated 23rd May 1831.

2. "The principles stated in the letter from Government, dated 4th March 1825 of which an extract has been furnished for the guidance of the Collector of Chengleput are applicable generally to every district in which a money assessment prevails. They are an epitome of the instructions which have been given from time to time on the subject of remissions, and are defined with such precision and distinctness that they need no explanation: they are therefore well calculated to form a general rule such as the Government have directed to be laid down for the guidance of Collectors.

3. Considering the diversity of circumstances in the different districts it seems expedient in a general rule merely to define the principles which ought to be universally acted upon and to determine their application specially with reference to the peculiarities by which each district is distinguished. As occasions have arisen in different districts, particular instructions have been issued on the subject of remission, founded on the general principles defined in the letter now referred to, and the Board believe that if the Collectors consult their records they will no where be at a loss to find a rule for their guidance under ordinary circumstances. But, as it is desirable to remind the Collectors of the principles which ought to be observed in deciding upon claims to remission, the Board propose with the sanction of Government, to circulate generally the extract which has been furnished to the Collector of Chengleput, of which a copy is annexed, except to those other Collectors to whom it has been already furnished."

Extract of a letter from the Secretary to Government,

Dated 11th March 1825.

"The assessment is fixed with reference to the average produce; and as it [is] not enhanced in a favorable season, it cannot be expected, as a matter of right, that it should be lowered or remitted in an unfavorable one. The only bar to the demand, is the Ryots inability to pay it and this is to be inferred, not from the state of a particular field, but from that of all the fields which he has cultivated, and from a combined consideration of the produce and the price."

No. 556.

REVENUE DEPARTMENT.

Fort St. George, 3rd June 1831.

GENTLEMEN,

I am directed to acknowledge the receipt of your Secretary's letter dated the 23rd. ultimo, No. 269, and to acquaint you that the Right Honorable the Governor in Council approves of your proposal to circulate generally to Collectors for the purpose of reminding them of the principles which ought to be observed in deciding upon claims to remission, an extract from a letter from the Secretary to Government dated 4th March 1825 annexed to it.

To

The President and Members
of the Board of Revenue.

(Signed) Hy. CHAMIER,
Ag. Chief Secretary.

(True extract and copy)

(Signed) R. A. PORTER,
Junior Deputy Secretary.

Extract from the Proceedings of the Board of Revenue,

Under date the 29th December 1831.

4. The description which the Principal Collector has given of this partial indication of temporary discontent and the measures by which it was met, is at once so clear and satisfactory that the Board think it right to give it in his own words. In reply the Sub-Collector was told that any extra remission on account of the bad prices of produce was inadmissible as the whole country was suffering under the same depression, but that individual losses from failure of crops were to be duly investigated and what relief might seem proper was to be granted. The Sub-Collector had prudently abstained from any hasty measures and as he had given the Ryots no ground whatever to hope that their novel mode of demanding relief would be listened to, they began to see that no good was to be got by persevering in their insubordinate conduct and before the end of January they had all come to the Cutcherry, took their puttahs and returned to their villages. The same day that I received the Koodlighee Amildar's Urzee, I sent off a short proclamation pointing out to the Ryots the extreme impropriety of their conduct and directing them immediately to disperse and return home; that I should settle their Talooks myself in a few days and anything they had to complain of must be represented as usual during the Jummahundy. In pursuance of this intention part of my Cutcherry received orders to change their route from Adwanic to Koodlighee and by the middle of January they and the Reddies and Curums were all assembled at Narraindevarkerry and business proceeded in the usual manner. After the Koolwar Chittahs were written, the Amildar sent notice to the ryots to attend; they held back however and after some days I ordered the Jummahundy to go on without them and issued warrants against a few of the most turbulent characters, but, at the earnest desire of a few leading ryots who presented themselves before me for that purpose, I gave them 24 hours to come in. They came accordingly and thenceforward I had no reason to complain of their conduct. I deemed it necessary for the sake of example to allow them no remission except for land uncultivated, and when their puttahs were delivered I gave each village a few words of advice. It is gratifying to add that they afterwards paid their kiets with exemplary punctuality.

15. In concluding this subject the Board consider it due to Mr. Robertson and Mr. Mason to state that the firmness and temper with which they, in their respective spheres, met the evil in its early stage and the judicious conduct which has been pursued throughout, appear to them deserving of the highest praise.

Extract from a letter to the Board of Revenue from the
Acting Secretary to Government,

Dated 27th January 1832.

2. The greatest encouragement ought to be given to the extension of cowles as established upon fixed principles as in Bellary; for it is understood that, generally speaking, land of this kind at the expiration of the cowles, when relinquished by those who undertook to cultivate it, is eagerly sought by the poorer class of ryots; its extreme fertility yields them an ample return, and the possession of it frequently raises them from a condition of great poverty to one of comparative substance, while the first holders of the cowle are enabled from their large capital to break up new land, and by successively abandoning it to needy cultivators, serve to elevate their circumstances generally to a better standard, and to increase the resources of the whole country. It is hoped that no causes will operate to obstruct this desirable end, which is the main object for which the issue of cowles has been so warmly encouraged.

3. Too much praise cannot be bestowed upon Mr. Robertson for the temper and decision with which he met this difficulty: he went at once into the disaffected districts; he suppressed the clamour of the people by an immediate investigation, and maintained his authority unimpaired by a steady resistance to their demands; he prudently abstained from having recourse to any aid except that which was at his own disposal, and the Right Honorable the Governor in Council is happy to record his conviction that in the prompt removal of these disorders much was done by the influence of Mr. Robertson's character as a Collector and the personal esteem which his services have procured for him amongst the inhabitants.

Extract from a General letter from England,

Dated 15th June 1831.

23. We are however glad to perceive that Mr. Robertson afforded facilities for the separation of Gonchu partnerships by issuing puttahs to individual Ryots desirous of entering into direct engagements with Government. This we consider to be the best security against the oppression of the managing partners of land cultivated in common, and we direct that the revenue authorities be instructed to grant separate engagements to the Ryots who may consider themselves to be aggrieved by the influential members of their community.

Extract from a letter from the Government to the Board of Revenue,

Dated 27th April 1832.

REVENUE DEPARTMENT.

No. 399.

1. I am directed to acknowledge the receipt of an Extract from your proceedings under date the 29th ultimo, No. 125, upon the subject of extending, and making general, the rules for collecting from Enamdars certain contributions in aid of Tank repairs through the Ceded Districts.

1. Under these considerations the Right Honorable the Governor in Council is of opinion that it would be better to relinquish the project of effecting a general Tuffreck for the repairs of Tanks, but as the power of calling upon the inhabitants for such constructions has been universally recognized and has rested with all the Governments of India from a remote age, the Collectors should be instructed on all occasions to insist upon the fair proportion being paid by Enamdars, whenever the land belonging to them and irrigated by the Tanks requiring repairs, should equal one-fourth of the whole. Such a provision would be found in most cases an equitable arrangement, and might be adopted throughout. But of course there are some Tanks the Enams under which may not amount to one-fourth of the whole land, and yet are, by their particular tenure of Dasyundam or otherwise, liable to the tax, and there are some where the inhabitants have invariably contributed personal service, if not pecuniary aid to the same end particularly in such excluded parts of the county as are too distant for the usual resort of professed Tank diggers. These cases will of course remain on their former footing and not be affected by the rule now proposed.

To

The President and Members
of the Board of Revenue.

(Signed) Hy. CHAMIER,
Chief Secretary.

Extract from the Proceedings of the Board of Revenue,

Dated 21st August 1834.

This sudden and enormous rise (from two to three hundred per cent. in the course of a week) caused great alarm, and the strongest representations were made to the Collector from all quarters to induce him to prohibit the exportation of grain, which he very properly refused to comply with, and restricted the Amildars from any interference with the trade in grain.

Extract from the Minutes of Consultation,

Under date the 25th October 1834.

No. 971.

5. The particulars of the gross increase and decrease of which the above is the result, are clearly and fully developed and explained in the Principal Collector's report, and the details are most perspicuously exhibited in the Statement No. 5 which accompanies it, the arrangement of which is admirably adopted to give an exposition of the Settlement in all its parts. The Governor in Council is well pleased to observe that this valuable statement has been much improved by the alterations and additions introduced in fushies 1241 and 1242, which are very important and useful, being calculated to set forth and elucidate the changes that occur from year to year with great distinctness.

14. The failure, it appears, was chiefly in the lands irrigated from tanks and in the dry lands. The Principal Collector states that "the nullah lands being chiefly watered by cuts from rivers were cultivated nearly to the usual extent. That under wells was carried on even beyond the usual extent in consequence of the Ryots clearing out many old wells and sinking temporary ones in the dry beds of tanks." The Principal Collector "circulated orders for the encouragement of this last species of cultivation so early as the month of September, and Ryots were assisted with Tuckavee to the extent of their wants: many wells were also repaired at the expense of the Circar". These judicious and timely measures are highly approved by the Governor in Council.

16. The new arrangement in the General Revenue Statement No. 5 adverted to by the Principal Collector in the 20th Para of his Report, by which the land cultivated in both last and present years is distinguished from the rest and the difference in the settlement is exhibited in the detail, is a considerable improvement, as it affords the means of a more exact comparison. On the land cultivation in both fushies 1241 and 1242 the demand in the latter year was reduced from rupees 15,86,898 to rupees 13,62,519, the decrease being rupees 2,34,379, which is a portion less than 15 per cent.

22. The detailed statements of the population of the Bellary District prepared by the Principal Collector are considered extremely interesting and important documents, and Mr. Robertson is entitled to much praise for the pains he has taken to procure the information contained therein and for the skilful manner in which he has digested and arranged it in the Statements.

24. Upon the recommendation of the Board of Revenue, and in the confidence that under the management of Mr. Robertson the funds will be judiciously applied, the Governor in Council is pleased to authorize the Principal Collector to increase the annual disbursement sanctioned in 1825 for the expense of planting trees and preserving the young plantations in the Bellary District from 4000 to 8000 rupees. Mr. Robertson will report for how many years longer he thinks it will be necessary to continue this disbursement and what he expects will be the result at the expiration of the period for which he may recommend the disbursement to be continued, that Government may have a precise notice of what he intends to accomplish. He will also submit an Estimate showing how the sum now authorized will be expended, and the progress which he calculates will be made yearly in extending the plantations. The expected financial results should likewise be exhibited.

25. The Governor in Council approves of the plan of granting waste land at a nominal Quit Rent the condition of taking care of the trees, to be held so long as there is a necessity for the service; the remission of assessment on these grants being distinctly exhibited in the accounts under a separate head. A statement of the grants made for this purpose in each fushy should be submitted with the report on the settlement for sanction.

Extract from the Proceedings of the Board of Revenue,

Under date the 25th June 1835.

13. With respect to waste Enams which may have remained unclaimed from the commencement of the Company's Government, the Board can see no objection to their immediate assumption, ample time having been given to the owners, if they have any, to come forward with their claims. After a lapse of 83 years, they may fairly be considered as escheats to the state.

Extract from the Minutes of Consultation,

Under date the 31st July 1835.

2. "It is much to be wished that Collectors in general would strenuously exert themselves to effect the collection of the yearly revenue within the fasly as it but too often happens that when it is delayed, the ryots having previously consumed the produce of the past year, devote to the payments of their kists, when at length required from them, the proceeds of the current one, a mode of proceeding which gives rise to a continually retrograding system, calculated in time to throw the whole revenue, a year in arrears. The Board of Revenue should direct their utmost attention to this point, and strongly point out to Collectors the very great inconveniences resulting from the work of collection being conducted with irregularity and delay."

Extract from the Proceedings of the Board of Revenue,

Dated 28th July 1835.

18. The construction which the Principal Collector has given to the Ryots of the principle upon which an additional remission is allowed for Well lands appears to be correct, and the Board agree with him that it should be strictly observed in practice. In this year the Principal Collector adopted a new arrangement which appears to be proper in cases where recoveries were to be made on account of assistance afforded to Ryots in repairing wells, first deducting the established remission as usual, and afterwards bringing it forward as an addition to the demand at the foot of the Putta, thus, as he observes, shewing more distinctly the cause of the surcharge.

Extract from a General Letter from the Honorable the Court of Directors,

Dated 4th November 1835.

26. The measures which have been adopted for the purpose of restraining the cultivation of Enam lands by Circar Ryots appear to have been hitherto attended with very little success. The means which would be effectual for this purpose must of course vary with the description of the individuals upon whom they are intended to operate, and we do not find in the proceedings of the Board of Revenue or the report of the Collector, the information which we require as to the rights of that class whom the Collector designates as the established Ryots of the Circar. "If these individuals claim any hereditary right over the Circar lands which they have been in the habit of cultivating, it is evident that right must be accompanied by the obligation of paying rent to Government for those lands, and if they desert their hereditary lands and enter into engagements with an Enamdar, to cultivate lands paying no revenue to the state, it is clearly open to you to refuse to readmit them to possession of the Circar lands. If on the other hand, they are mere Pykaust Ryots having no attachment to the soil and simply engaging from year to year for such lands as they may be desirous of cultivating, the practical difficulties of dealing with the question will become considerably greater.

27. The information which we at present possess upon this subject is not sufficient to enable us to give any decided opinion upon the course which it will be advisable to pursue. We desire that all the former proceedings of your Government and of the subordinate Functionaries respecting this very important question may be brought to the notice of the Collectors of Bellary and Cuddapah, more particularly with the view of ascertaining, if practicable, the

extent of cultivation of Circar land or its amount in Revenue which under the former Government entitled the rent free Enamdars to let his land to the Circar Tenant, and we trust that the Board of Revenue in communication with these Officers, may be enabled to devise and submit to you some plan for preventing or diminishing the evil by any unobjectionable means.

Extract from a letter from the Honorable Court of Directors,

Dated 28th October 1835.

27. We concur in your opinion of the equity of the principle of taxing Enamdars for the repairs of Circar Tanks in a just proportion to the amount of the lands which they hold free, but we are at the same time aware that the practical difficulties of carrying this principle into full effect are very considerable. The rule which you have sanctioned that when the Enam lands irrigated by the Tanks requiring repair shall equal one fourth of the whole so irrigated, the Enamdars shall be required to pay their fair proportion of the expense, will probably be found in most cases an equitable arrangement; but we are not informed of the mode which the Collector is to pursue in assessing this proportion. The rule will of course not be held to affect lands held in Dusvandum or otherwise, which by the nature of their tenure, have always been subject to be taxed for their repair of Tanks.

Extract from the Minutes of Consultation,

Under date the 21st June 1856.

10. The Board of Revenue will report for the information of the Honorable Court the mode prescribed in the rules laid down by Colonel Munro to be pursued by the Collector in assessing the tax in this case, and will at the same time state whether any and what success has attended the general introduction of this measure in the Ceded Districts.

Extract from the Proceedings of the Board of Revenue,

Under date the 27th November 1820.

- * Dated 2nd November.
1. The Board proceed to take into consideration a letter from the Collector of Bellary, reporting the progress he has made in reducing the assessments in his districts, and urgently soliciting that he may be vested with adequate powers to protect the Ryots from the exactions to which they are now subject, and to punish bribery and corruption amongst his servants.
 2. Without such powers the Collector states, there is too much reason to fear, that a large proportion of what is remitted by Government will be collected from the Ryots both by the servants of the Cutcherry, and those of the Villages.
 3. The draft of a Regulation for the remedy of this great evil, and embracing other subjects intimately connected with it was submitted to Government on the 11th December 1815, but no orders have yet been passed upon that communication.
 4. Strong additional proofs however of the pressing necessity which exists for having recourse to measures somewhat similar to those therein recommended, have since been afforded by the result of the inquiries into the revenue administration of Salem.
 5. The Board therefore take this opportunity of again soliciting the attention of Government to this most important subject, and they proceed to offer such further observations as a more mature consideration of it has suggested, and to give a sketch of such legislative enactments, as, in their judgment, are necessary to be framed, for the more effectual protection of the Ryots, the security of the revenue, the speedy adjustments of disputes regarding the right to land and crops and the distribution of water, and the punishment of delinquency on the part of the Native Revenue Servants.
 6. The Board are assured not only from the Reports from Officers deputed to enquire into complaints in the Provinces, but from other unquestionable sources of information, that the great body of the Ryots is not in that state of ease and security in which the justice and policy of the British Government meant to place them. In general the Ryots submit to oppression and pay what is demanded from them by any person in power, rather than have recourse to the tedious, expensive and uncertain process of a law suit—the cases in which they are sufferers are so numerous, various, intricate and technical—they and their witnesses are so far from the seats of the Courts of Judicature delays are so ruinous to them—they are so poor, so averse to forms, new institutions and intricate modes of procedure, they are so timid and so simple a race, that it is necessary for the Government to endeavour to protect them by a summary and efficacious judicial process, and it is evident that the Officer intrusted with the general government of the province, as having the greatest and most immediate interest in the welfare of those under his Government, and as the only Officer having a

free and full intercourse with them should be vested with the duty of conducting these summary proceedings. It is necessary therefore, in the opinion of the Board, to provide by Regulation.—First, for the protection of the Ryots, the great object of all our provincial institutions, and indeed of Civil Government in this Country, but one of most difficult attainment, and for that purpose.—

(1) That the Collector or other Officer intrusted with the general government of a province, his Assistants, when he delegates his authority to them, and the native Officers acting by his orders, should have primary and summary jurisdiction, in all disputes, between Zemindars and their under farmers and ryots, regarding rates of assessment, occupancy of land, and payment of revenue, and that they should hold a Revenue Court for the investigation and settlement in the first instance of such disputes.

7. Custom, or especial agreement, should regulate the demand of the Zemindar against the Ryot. The Zemindar should not eject the Ryot from his land, unless the Ryot may refuse to agree to pay the usual, or stipulated rent, or warum, as soon after the beginning of the season for settling for the cultivation of the year, as may be reasonable and customary, nor should the Zemindar demand more than the customary or stipulated warum or rent.

8. Collectors should be permitted to refer such disputes to punchayets, the award of the punchayet to be final, provided both parties had previously agreed to abide by their award.

9. Collectors might also refer such disputes to Tahsildars, and other Officers acting under them, and to district Munsifs, who should proceed in the summary manner now directed and make their report to the Collector, who should decide on their reports, or, on such other information, as may seem advisable.

10. Collectors to redress such damages and costs, as may seem reasonable, and be empowered to impose such fines and penalties as the regular Courts would be empowered to levy in similar cases of non-attendance, contempt, litigiousness, and oppression, if the suits had been tried before them.

11. The decisions of Collectors to be immediately enforced by the process laid down in the Regulations for enforcing the process of the Courts, and such decisions to stand, until they may be reversed by a decree of Court; but in all cases, excepting in decisions on the award of a punchayet, an appeal to be open from the decision of the Collector to the proper Court, in which the suit from its amount and locality, may be triable, provided the petition of appeal is presented to the Court, within a reasonable period, after the delivery of the Collector's decision—it may also be necessary to limit the right of appeal from the decisions of the Collector to sums above 10-15 or 20 rupees as may seem reasonable.

12. These suits being summary, the summons to parties and witnesses, and other proceedings and examinations might be verbal; but may be recorded at the Collector's discretion but in all cases the Collector should record the names of the parties, the abstract of the suit and decision and its date, and in cases, which it is probable may be appealed, the whole of such proceedings, as may be taken, should be recorded, as such proceedings are usually recorded in the Cutcherry, in the native language, and proceedings so recorded should be received as good evidence in the Courts, nor should objections to such proceedings on the mere ground of informality, be admitted—it is not necessary to use stamp paper, and any friends of the parties, duly authorized, might act as their Vakils.

13. The Collector might be empowered and enjoined to keep Ryots, or their sureties against whom there may be a demand for arrears, whether due to the Sircar, or to the Zemindar, under Peons, or in the Cutcherry, according to the custom of the Country, for a reasonable period, and then, if they should wish to return to their Village, in order to find means to liquidate the demand, within a reasonable period, to be fixed by the Collector, to permit them to do so: if they should at the expiration of the period fixed, fail to liquidate the demand, the Collector to be empowered to send for them again and keep them under the same restraint for a further reasonable period; nor ought the Collector to proceed himself when the arrear may be due immediately to the Sircar, nor empower the Zemindar when the arrear may be due to the Zemindar, to send the defaulter to the common Jail, except in cases of contumacy, where it may be absolutely necessary for the sake of example; and in such cases the Collector should report the circumstances to the Board of Revenue. The distraint and sale of property and the imprisonment of the Ryots in the common Jail, for arrears of revenue, as they have been practised in many places, are severe measures, unknown in the Country before the enactment of the present Regulations, and as it is understood from good authority that the character of the Ryots has been degraded, their customs and comforts invaded, and their means of cultivating and paying the public revenue diminished, by the frequent recurrence to these measures, particularly by the new Mootahdars in the Barramahal, and other revenue Farmers in other places, the Board are of opinion that they should never be resorted to, except in cases of contumacy, which, where Ryots are concerned, will hardly ever occur when the demand is fair.

14. When Zemindars may distraint for rent, they should give notice to the Collector, before the distrained property can be sold, and the Collector should take care, either by deputing some of his Native Officers to attend, or by such other measures, as may be equitable and efficacious, that the distrained property be fairly sold, so as to produce its full value. No Commissioner for the sale of distrained property to act without a sanction from the Collector; the Collector might appoint the district Munsifs, or Tahsildars, or other Native Officers, or other respectable Natives, Commissioners, either generally, or for the special case. It has been proposed, and indeed ordered by the Honorable the Court of Directors that the Zemindars shall not be permitted to sell distrained property, without due notice previously, given to the Collector, it appears to the Board to be expedient that this proposition should be adapted to its full extent, and that the imprisonment of Ryots for arrears in the common Jail should be altogether forbidden; but it has been suggested that it is proper

necessary to allow of the imprisonment of Ryots even, in cases of contumacy, and to require that a complaint should be preferred before the Collector takes any official notice of cases of distraint by the Zemindar. It is apprehended that if the Zemindar was obliged in all cases to give previous notice to the Collector, the Collector in the daily routine of business would find himself obliged to permit the sale to proceed, often without having an opportunity of learning the merits of the case, and might thus be unconsciously led in some cases to lend his sanction to acts of oppression, to which he might even appear a party. The Ryot might be deterred from complaining, or if a complaint should come, the Collector might have to reverse, or even punish measures, he had previously been led to sanction. The Zemindars might also complain and claim remissions, or at least that the collection of revenue due by them should be suspended; it would also appear too inquisitorial to interfere without a complaint. The Board think that the provisions here proposed would afford ready redress in cases of oppression, without the appearance of inquisitorial interference, and that imprisonment would be resorted to, only in cases of contumacy for the sake of example—no Ryot should be sent to Jail, and no property sold, without the knowledge of the Collector, and it should be his duty, as the general protector of the Ryots, to see that they are not oppressed, and when the Ryots find that the Collector can, and is bound to, afford redress, in cases of oppression, they will not be deterred from complaining.

15. Collectors should have primary jurisdiction in all cases of extortion, exaction and extra collections, from the Ryots, and when such exactions are proved to have been made, whether by Revenue Officers or any other persons, not being European British subjects, the Collector should be empowered to cause the amount to be immediately refunded, and repaid to the injured party and besides, to levy a fine from the party who made the exaction, not exceeding four times the amount of it. If the exaction shall have been made by a Native Servant he ought moreover to be liable to be declared, at the discretion of the Government, incapable of again serving the Company. The Collector should have authority to summon witnesses, and administer oaths, where it may be necessary, and proceedings ought to be verbal, or to be taken down in writing, at the discretion of the Collector, but the names of the parties, the amount and abstract of the complaint, and decision, and its date, should in all cases be recorded; and in general it might be proper, and always in cases which are likely to be appealed, that an abstract of the accounts and depositions should be made in writing in the native language, according to the usual course of business in the Cutcherry and Country, in such cases, and certified by the proper Officer, and such proceedings ought to be received as good evidence in the Courts, but no appeal should be permitted in cases where the sum does not exceed 20 rupees. The demand for the refund should be in writing, under the signature of the Collector, and the amount should be recovered by the same process as an arrear of revenue, whether such refund be due from public Officers, Head Inhabitant, Curnums, or any other description of persons, whatever, not being European British subjects.

16. An appeal should be open from such decisions by the Collectors to the Board of Revenue, and ultimately to the Government, provided the party dissatisfied with the decision shall request a revision of it by petition, within a reasonable period, after it may have been delivered by the Collector; but the decisions of the Collector in these cases, as well as all his other proceedings, ought at any period to be subject to the revision of the Board of Revenue and the Government, not only on the petition from dissatisfied parties, but on any other information, or any other grounds, on which it may seem advisable to revise such proceedings.

17. When the case may be appealed, or in any other way brought up before the Board of Revenue or the Government, or any other competent authority, the Collector should defer the execution of his decision, provided the party give good security for paying the amount adjudged against him. If he fail to do so, the Collector should take such measures for securing his person and property, until the final decision of the Board or the Government may be passed, as may be most likely to prove effectual, without occasioning to the person adjudged any unnecessary loss, inconvenience, or disgrace; persons under these circumstances should be kept under Peons, or in the Cutcherry, and their property should be held under sequestration, according to the custom of the country, with every precaution for its safe custody, or when of a perishable nature, for its disposal to the best advantage; in cases where it may be concealed, Collectors to have power to issue search warrants; no transfer of property under these circumstances to be valid, and Soukars and others with whom such property may be lodged, should be answerable for it to the Government.

18. The Board are of opinion that the Collector should also have primary jurisdiction over all persons not European British Subjects in cases of embezzlement of the public revenue, or the concealment, destruction or abduction of the public accounts, the proceedings of the Collector to be conducted, and his decision enforced, and the amount of the embezzlement recovered by the same process, and the decision of the Collector to be subject to be revised in the same manner as in cases of extortion.

public servant, or had placed him in the situation of a public servant, by any overt act capable of proof establishing the character of the transaction, or that the matter against him is for exaction, extortion and extra collection, or for embezzlement of the public revenue, or making away with the public accounts or otherwise, ought to proceed to try the case, if it should appear not to be a revenue case of such description. The fact of having made exactions, or extra collections, or of having embezzled public revenue, or made away with public accounts, will be enough to make it a revenue case of exaction, or embezzlement. The Board are of opinion that every case of exaction from the Ryots and embezzlement of revenue, or making away with public accounts, should in general be tried in the first instance by the Collector, whose decision might be subject to review by the Board of Revenue and the Government in their judicial capacity, as Exchequer or Mad Adalat Judges, and that the decision of the Government in such cases should be final, but that all other private suits in which revenue Officers or other persons may be concerned should of course continue triable in the regular Courts. The public servants cannot complain of being made subject to the summary jurisdiction now to be established, because they have in India, and indeed in most other countries, been always amenable in revenue cases to the same summary Exchequer procedure, and because they may quit the service, if they dislike the conditions—nor can any individual, not ostensibly in the public service, complain with any reason, if he should have taken upon himself to exercise power and levy money: there are several instances of individuals, not in the public service, who have taken advantage of an influence they were supposed to possess in the Cutchery, and who have plundered the Government and the people with impunity, and it might be expected that persons who should have a prospect of making a rapid fortune by taking advantage of such influence, might resign the service, and effect their object with impunity, unless they are made subject to the Revenue Laws, in cases, in which the character of the transaction can be clearly established.

20. The Government might either decide on all cases of exaction and embezzlement brought before it, or refer the case for further inquiry to the Board of Revenue, and Collector, or pass such other orders as may seem advisable, or refer it for trial to the regular Courts, or appoint a special commission, to try the case, when from its importance, or other circumstances, it may seem advisable.

21. The special commission might be composed of one or more members, as may be expedient, and should have full powers to summon and examine on oath all persons whose evidence might be necessary; to require personal security, or to place under personal restraint all persons suspected of being concerned in exactions, embezzlement, or making away with the public accounts, to place their property under sequestration, to issue search warrants for concealed property or accounts, and to exercise any other judicial Revenue or executive powers now vested in the Courts, or with the Magistrates, or Collector, or in the Board of Revenue, or the Government, as the Governor in Council may deem it advisable at the time, by a letter from the Secretary, to refer to the special commission.

22. The decision of the special commission, when confirmed by the Government, should be final and should be immediately enforced. During the progress of an enquiry into the revenue administration of a district by a special commission appointed by Government, it might be expedient to place the Collector under the immediate orders of the commission. This would materially facilitate enquiry, and prevent all collision of authority.

23. It may be necessary to say here a few words with respect to the rules which are proposed for the summary trial of cases of exaction from the Ryots, and embezzlement of revenue, and the recovery, as far as may be practicable, and repayment of the money to the injured parties.

24. The result of recent enquiries, particularly in Coimbatore, Rajahmundry and Salem, shows that cases of exaction and embezzlement ought to be tried on the spot, immediately, by a summary process, before a competent authority, and that the amount of the exaction and embezzlement ought to be recovered immediately, as far as may be practicable, and repaid to the injured parties. The regular Courts cannot decide on such cases to the satisfaction and security of the people, or of the Government, as the enquiry involves an examination of intricate Revenue accounts, which the servants of the Court cannot be supposed to be acquainted with. Too many persons are concerned as witnesses, or sufferers, in such cases: their residence is at such a distance from the seats of the Courts, and the lapse of time before the Courts can examine them is so great, that much inconvenience is generally felt in attempting to substantiate such cases in the Courts. In the ordinary way many of the parties or witnesses die before the Court can examine them. Some of the most important are bought off or induced to soften, or retract their evidence, or accusations. It appeared that at least six hundred witnesses would be necessary to establish the matters to be proved in the suits, instituted by Causy Chetty against the Government, in the Trichinopoly Court—the case had been in fact clearly established before the special Commission in 1815—and besides the great inconvenience and expense of sending half the country again to testify before the Courts what they had already stated before the Commission, many died before they could be examined, and many more must die before their evidence be taken, according to the formal procedure of the Courts, in the causes in which Causy Chetty is concerned, and in consequence from want of evidence the causes may be lost. Many have not yet even been examined for want of time, or other cause—there is no calculating when these causes may be settled; they have been removed into the supreme Court. How the supreme Court can investigate such matters, even supposing they were not revenue cases, on which they have no jurisdiction, it is difficult to imagine. They can only be properly investigated indeed by persons intimately conversant with Revenue affairs, at all events justice has not been done, because if Causy Chetty did not exact and embezzle the money, he was said to do, his property has been sold, his person was confined, and he has suffered a good deal of inconvenience and expense without getting any redress: if, on the other hand, he did, as nobody now doubts, make these great exactions and embezzlements, neither the Government nor the Ryots have yet got any satisfaction, even to that extent to which they ought and might have got it, under a prompt and effectual system; and what is worse of all, other public servants have seen that there is

no prompt power even to recover the amount of exactions and embezzlements, much less to punish them, as all natives think they ought to be punished. In the case of exaction, the money should be restored on the spot, to the persons from whom it was taken, or at all events those who exacted it, ought to be immediately punished; if this is not done, the Ryots will not be satisfied with our justice. In Causy Chetty's case it seems useless, or rather giving unnecessary trouble, to oblige hundreds of men of business and farmers, to attend a distant Court, to give evidence in a case, which is not likely to be settled for many years, when the individuals who were injured shall be dead, and the subject forgotten, so that even supposing the claims of the Government against Causy Chetty be at last fully admitted, no benefit can result either to the injured individuals, or to the Government in the way of example to other public servants. Life and every thing else in India, are so uncertain, that the advantage of prompt justice has become proverbial. Causy Chetty and his friends plundered the Government and the Ryots, according to the belief and judgment of those who have had the best opportunities of looking into these cases, of about six lacs of Pagodas; the Government committed him to Jail and sequestered and sold his property, and have recovered near thirty thousand Pagodas but he has prosecuted the Government for damages, has put them to a great expense, and has got released from confinement, without having given sufficient security, and from the death of witnesses, the negligence with which Government suits are usually managed, and the uncertainty of the law, may possibly gain him suits, at least in the lower Courts. It is impossible that with such an example before them, the Ryots or the native servants can respect the Government, or its regulations, or conduct. It is true it may be said that if Mr. Garrow had not neglected his duty, these extortions and embezzlements could not have been carried so far. There can be no doubt that we must principally look to the Civilian in charge of the general Government of provinces, for the protection of the Ryots, and the security of the Revenue, but it seems also necessary to establish a proper system consistent with the business and extent of the country, the nature of the people, and our own situation in India.

25. Unless such a system is established, our officers in charge of Provinces and Ryots, have not fair play. If instead of settling these matters immediately on the spot, and affording ready redress, the Government refer their Ryots, and their own interests to a Court of Chancery, where the matter will, most likely, not be settled for twenty years, their native subjects and servants will neither look to the Government for redress, nor be afraid of any legal consequences, and will act accordingly. In all countries revenue extortions and embezzlements are, when brought forward, soon tried and settled. In England even, where there is so much personal freedom, it is to be supposed there are ways of getting justice soon, when there is no want of money to pay for it, and particularly in Exchequer cases.

26. Neither the Government nor the Ryots have yet got any adequate satisfaction for the exactions and embezzlements of Causy Chetty in Coimbatore, and with respect to those lately reported on at Salem, of which no doubts can be entertained, and which seem to have been carried on for a longer period, to a greater extent, and with more injury to the people, though from circumstances they perhaps may not have been so large in amount as those in Coimbatore, there does not appear to be any way of recovering any part of the public money, or of redressing the injury done to the people. Those who have carried on this system of exaction and embezzlement for years, will retire and enjoy the large fortunes they have made; such impunity cannot but have bad effects on the native servants and the people at large.

27. The great objection, and it is admitted a very strong one, which can be urged against the summary jurisdiction proposed to be given to the Collectors, and the officers intrusted with the management of the provinces (for it seems decidedly wrong, and to lead to many serious inconveniences to all those whose duties and powers are so general, Collectors,) is that they will have more business than they can properly perform, even supposing them men of capacity equal to so important and general a charge as the management of a province, but that we cannot expect to find in the whole service a sufficient number of men with the ability, activity, zeal, general information, and health, requisite. To this however it may be answered, that every form of Government is attended with some inconvenience, and that in this country a strong and efficient system has fewer inconveniences and more advantages than any other; that the Civil service is a numerous body to choose from, and that there are many young men rising, of excellent dispositions and principles, well educated, masters of some Native Language, who want only a few years' experience in the provinces to become fit for any public duty that may be intrusted to them: the provinces are a fine school to learn in, and offer a field to practise afterwards, what they have learnt with honor and profit to themselves; what is now most wanted is a taste among the rising men for country business. The Government, it may be further said, has generally, and may be expected to continue to select the fittest men for situations, where so much will be required; and that the Government may also be enabled to know what is going on in the provinces, and will be ready, as it has always been, to prevent, or remedy the evil consequences of imprudence, or misconduct, which must be occasionally expected under any system. The Honorable the Court of Directors have repeatedly directed that one of the members of the Board of Revenue shall be on circuit in the provinces. This arrangement would be attended with the best effects. When from sickness, absence, or his being employed on any other particular duty, a member of the Board of Revenue cannot continue the Circuit, some other experienced servant, whose service may be available might take it up. The old Collectors, or any experienced servant will not dislike this duty, which should be considered one of the first importance, and to lead to promotion to the first offices; it might be proper that the Government should nominate the member of the Board or the experienced Civilian who should have to go the Circuit, and that the Board should propose to the Government the objects and places to which he should be sent, and from time to time report his proceedings; when any particular inquiry should make it expedient, the Civilian so deputed might be appointed a Commissioner.

28. The Board now proceed to suggest such observations as occur to them for the regulation of the appointment and dismissal of the native servants employed in the Revenue and Police Departments.

29. Great inconveniences have arisen from the interference and control exercised by the Board in the Cutcheries of the Collectors, and the Court of Directors have ordered that the servant Regulation should be rescinded. It is proposed therefore that such parts of Regulations I of 1809 and V of 1811, and of any other Regulations which may limit the authority of the Collector and Magistrate under the Board of Revenue and the Government, with regard to the appointment and dismissal of Revenue and Police servants shall be rescinded, and the Government, through the Board of Revenue and the Collectors, shall exercise, over all Revenue and Police Officers, including Cumrums and Head Inhabitants, and service Enamdars, and others, receiving pay from the Government, whether in Money, Land, Fees, or in any other shape, the natural authority of all masters over their servants, without any Judicial restriction.

30. The provisions of Regulation III—1819, for the punishment of extortion of Police officers should be extended to Revenue officers and all other persons. Extortion and embezzlement by Revenue and Police officers and all other persons shall be declared Crimes, and the offenders shall be subject to corporal punishment by stripes, labour on the roads, and imprisonment in irons, in such degree as the Criminal Courts may adjudge. These offences should be described and the punishments defined with technical accuracy in the Regulation.

31. It is understood that the Ryots complain of being frequently summoned to a great distance from their homes to appear as prosecutors and witnesses before the Magistrate in cases of petty theft. It appears to the Board that petty thefts when attended with no aggravating circumstances, and not committed by notorious offenders ought to be tried in a summary way, and punished on the spot by Native authorities, as they were before the establishment of the British Government: petty thefts of this description produce less inconvenience to the society than the formal investigation of them, when attended with so much delay, expense and trouble, before a distant tribunal.

32. The natives will readily, from a sense of duty, attend the Courts to prosecute, or give evidence, in important cases, where a murder, or other atrocious crime has been committed; and when a serious robbery has occurred, the owner of the lost property is always forward to complain in the hope of recovering part of it, or at least of getting some satisfaction; but the natives feel that these petty offences are not of sufficient consequence as regards either the morals of the people or the security of property, to require that they should lose their time in attendance at a distant tribunal, in order that such petty matters may be formally investigated and punished. It will be necessary therefore to insert a clause in the proposed Regulation, empowering Tahsildars to try and punish petty thefts, in a summary way, when the amount of the stolen property may not exceed two Rupees and Zemindars if vested with the Police powers, and Head Inhabitants when it may not exceed one Rupee, and the case may not be attended with aggravating circumstances, or the theft by a notorious offender.

33. The extent and nature of the punishment which it may be proper to empower the Native officers to inflict on the spot immediately after the offence is committed, or on reference to the Magistrate, may be determined and specified in the draft; it will be proper to guard against any abuse of power as far as can be done in a Regulation by heavy penalties for oppression and extortion, but it is to be kept in mind that the persons who usually commit and are liable to be charged with such thefts are generally men of low caste, below the enmity of the Native Officers, and safe, in their poverty, from exactions; there is always danger of the better sort, especially Ryots, being exposed to exaction, and no respectable person should be liable to suffer a disgraceful punishment, except after a solemn conviction; it might perhaps be safely asserted that a Ryot ought never to be flogged at all—if he is led to commit a great crime, he might suffer the severer sentence of the Law; but society will suffer much more in this country by the frequent recurrence to disgraceful punishments, because the general character of the people would be lowered, than from the prevalence of petty thefts to any extent that can be apprehended: it may therefore be proper to provide that no Ryot paying land rent directly either to the Government or to the Zemindars shall be subject in any case to be punished by stripes, or other disgraceful punishment, except by a sentence of the Magistrate, the Criminal Judge, the Court of Circuit, or Sudder Adawlut. Under these provisions the Board think the power of trying and punishing petty thefts in a summary way might be entrusted to Native Officers; the number of Civil Servants in the provinces must always be too limited to allow of their personally hearing and determining all these petty cases, without occasioning greater inconvenience to the people, than can arise from any abuse of the limited power so cautiously delegated to the Native Officers.

34. It may be necessary to insert a clause in the proposed Regulation, enjoining and empowering the Collector, who is the immediate protector of the Ryots, and who from his intercourse with them, and his annual circuits, is the only public officer, who can procure accurate information, to represent to the Court by which they may be appointed, and to which the appeal from their Decrees may lay, any instances of corruption, or partiality in the District Munsiffs which may be brought to his notice, and to cause the Government Vukked to bring forward any wrong decisions, in order that they may be reversed; in which the Ryots are concerned.

35. It is understood that the Ryots have in many cases suffered injustice from their simplicity and ignorance, and neglect of forms which they were not bred to observe, and that Zemindars have also been placed in the same situation from the neglect, or connivance of their agents and Vukkeels; it may therefore be proper in the proposed Regulation to insert a clause giving a very wide latitude for appeal from, or reversal of *ex parte* decisions, where the defendants are Zemindars or Ryots and have failed to appear, or to file their pleadings or documents at the appointed time—a clause might be inserted in such terms as may give the Courts an ample discretionary latitude to admit appeals and petitions for reversal, without giving any encouragement to litigation.

36. In all disputes regarding boundaries, or the right to land, or crops, or the distribution of waters, the Collector and his assistants with the aid of Native Officers acting by his orders ought to decide, on a summary inquiry, who shall occupy the land for the then current fasly, or shall take possession of the crop in dispute, and how the water shall be distributed; the Collector's decision ought to be made on the award of a panchayet, or the reports of the Officers acting by his orders, or on such other information as may be procurable; the decision of the Collector might stand until reversed by a Decree of the Court; the parties, if dissatisfied, to be at liberty to institute a regular spit to try the right in the Court competent to try the suit; the decision of the Collector ought not to give any title to permanent possession of the lands, crops, or the right to the water in dispute, unless the parties may acquiesce in that decision: but if neither of them should appeal to the regular Courts within a reasonable period, after the delivery of the Collector's decision, it is to be presumed that they have acquiesced in it, and the Collector's decision shall continue in force. In cases in which the land in dispute is Sircar, and not private property, and has been newly taken from the waste, the Government have of course a right to dispose of it as they please, and the decision of the Collector ought to be final.

37. In the preceding Part, the Board have merely offered a sketch of what they conceive should be done to remedy the defects of our present revenue system, for the more effectual protection of the Ryots, and the security of the Public Revenue. The preparation of Regulations to give a legal form to these suggestions, if they should be approved by Government, will, it is supposed, be the duty of the Regulation Board. The Board beg leave to observe that most of the principles, and propositions laid down in this paper have been suggested by the orders of the Honorable the Court of Directors, and by the drafts of Regulations, and reports submitted to Government by the Sudr Adawlut, the Board of Revenue, and the Commission for revising the judicial system with reference to these orders.

38. The Board are aware that some of the suggestions which they now offer to the consideration of Government are not strictly of a revenue nature: they all however tend to the comfort and the security of the property, and person of the Ryots, and as such, come fairly within the province of the Board of Revenue to recommend.

(A true Extract.)

H. CLARK,
Secretary

To

THE COLLECTOR OF BELLARY.

SIR,

I am directed by the Board of Revenue to transmit to you the accompanying Extract from their Proceedings under date the 27th ultimo.

I am

Sir,

Your most obedient servant,

R. CLARK,

Secretary.

Fort Saint George,

4th December 1820

Despatched 12th December 1820.

செப்பங்குபவர் பெயர்
செப்பங்குவதற்காக எடுத்த நாள்
செப்பங்கு எடுத்த நாள்
சரிபார்க்கும்
பா. எ.
கையொப்பம்

