

[L. & M.]
[5,000-5-1-96.]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 258 *L*

DATED 8th February 1896.

[Despatch Abstract.]

Legislative Council.

Recording G.O. Legislative Department communi-
cating the Proceedings of the ---- dated 18th December 1895.

BACK PAPERS.

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

FURTHER PAPERS.

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

LOCAL AND MUNICIPAL DEPARTMENT.

Local and Municipal Dept.
CURRENT No. 346 L
From

The Legislative Dept.

N
Ellis

Order No. 258 L
9-8-2-96

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No. 4

Dated 30/1

Received 3/2

Enclosures /

Note

Please see answers to questions
Nos. XVI, XVII & XVIII. No action is
necessary in any of these cases.

SUBJECT.

Copy: the Progs: of the
Leg: Council of 18-12-95

(with order)

442
9/2

10/2

Proceedings of a Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 11 A.M. on Wednesday the 18th day of December 1895.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—*Presiding*.
The Hon'ble Mr. H. W. BLISS, C.I.E.
The Hon'ble Mr. J. GROSE, M.A.
The Hon'ble GHULAM MUHAMMAD HASAN ALI KHAN BAHADUR.
The Hon'ble Mr. A. T. ARUNDEL.
The Hon'ble Mr. E. GIBSON.
The Hon'ble the ADVOCATE-GENERAL.
The Hon'ble Mr. J. STURROCK.
The Hon'ble the MAHARAJA OF VIZIANAGRAM, G.C.I.E.
The Hon'ble Mr. D. DUNCAN, M.A., D.Sc.
The Hon'ble Mr. J. F. PRICE, C.S.I.
The Hon'ble Mr. G. L. CHAMBERS.
The Hon'ble P. RANGAYYA NAYUDU.
The Hon'ble the Rev. W. MILLER, M.A., LL.D., C.I.E.
The Hon'ble C. SANKARAN NAYAR, B.A., B.L.
The Hon'ble N. SUBBA RAO PANTULU, B.A., B.L.
The Hon'ble C. JAMBULINGAM MUDALIYAR, B.A., M.L., Rao Bahadur.
The Hon'ble C. VIJAYARAGHAVACHARIAR, B.A.
The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur.

ADDITIONAL MEMBERS.

His Excellency the PRESIDENT.—The Secretary will announce the names of the new additional Members.

The SECRETARY.—The Hon'ble Colonel J. Pennycuik, R.E., C.S.I., Secretary to Government, Public Works Department, the Hon'ble Mr. C. S. Crole, Acting First Member of the Board of Revenue, and the Hon'ble Diwan Bahadur S. Srinivasa Raghavaiyangar, C.I.E., Inspector-General of Registration, take their seats as additional Members of Council.

QUESTIONS.

The Hon'ble Mr. G. L. CHAMBERS—

I. (a) Whether the Government is aware of the decrease in the Salt Revenue of the Madras Presidency during the past few years as shown in their administration reports, whilst the Bombay Salt Revenue is increasing?

QUESTIONS.

(b) Whether the attention of the Government has been drawn to the marked increase in the imports of Bombay salt into the Madras Presidency, where it is selling freely to the exclusion of Madras salt?

The Hon'ble Mr. BLISS—

I. (a) The Salt Revenue* of the Madras Presidency was higher in 1894-95 than in any of the preceding five years except 1890-91, in which year the abnormally large revenue was due to increased cash sales and diminished credit sales consequent on the high price of Government paper. The revenue from year to year fluctuates to a considerable extent with reference to the proportion of cash sales to credit sales. There has been a steady increase in the last five years in the sales† of locally made salt for Home and Inland consumption.

	RS.
* 1889-90	(a) 1,73,66,525
1890-91	(a) 1,91,55,523
1891-92	(a) 1,76,81,809
1892-93	(a) 1,69,94,837
1893-94	(a) 1,62,31,365
1894-95	(a) 1,78,46,130

(a) Excise of duty levied in Bombay on salt imported into this Presidency, but inclusive of duty on salt exported by sea to Bombay and Bengal Presidencies.

	L. MDS.
† 1890-91	6,658,596
1891-92	6,809,345
1892-93	6,893,473
1893-94	6,962,586
1894-95	7,070,096

	RS.
† 1889-90	2,00,72,252
1890-91	2,10,26,192
1891-92	2,26,38,847
1892-93	2,18,06,319
1893-94	2,15,53,349

The Bombay Salt Revenue‡ increased in 1890-91 and 1891-92, but decreased in 1892-93 and in 1893-94. The revenue for 1894-95 is not known.

(b) The imports of Bombay salt by sea, almost exclusively to the West Coast, in the last five years have been as follows:—

	MDS.
1890-91	1,229,621
1891-92	1,352,121
1892-93	1,262,231
1893-94	1,051,065
1894-95	1,149,662

The imports in 1894-95 were thus lower than in any of the previous four years except 1893-94, and there has been a very considerable decrease since 1891-92.

The imports of Bombay salt by rail are unimportant, the largest quantity imported in the last five years having been 9,924 maunds in 1893-94. In 1894-95, the quantity was only 5,492 maunds.

The Hon'ble Mr. G. L. CHAMBERS—

II. (a) Whether the Government is aware of the serious effect of the influx of Bombay salt on the Salt trade of this Presidency?

(b) Whether any and what steps have been taken by Government to promote the production of light salt with a view to a successful competition with Bombay salt?

The Hon'ble Mr. BLISS—

II. (a) The salt trade of this Presidency has not been seriously affected by the competition of Bombay salt.

(b) The Bombay salt is, as a rule, lighter than the Madras salt. In the last three seasons experiments have been made with a view to ascertain whether a

lighter salt can be manufactured in this Presidency consistently with chemical purity. Definite results have not yet been arrived at.

The Hon'ble Mr. G. L. CHAMBERS—

III. Whether the Government is prepared to make a declaration of its policy in regard to the monopoly and excise systems?

The Hon'ble Mr. BLISS—

III. An exposition of the policy is given in the Government review of the Board's Administration Report of the Salt Revenue for 1894-95, which is already in type and will shortly be placed on the Editors' table.

The Hon'ble Mr. G. L. CHAMBERS—

IV. (a) Whether the Government is aware of any forms of coercion which were adopted at Ennore in 1894 and are being adopted now at Covelong and Merkanam circles by the Salt Department with a view to forcing the monopoly system on the licensees?

(b) Whether permission has been refused to store excise salt in the Madras depôt since it was re-opened in 1895 although a portion of the depôt was set aside for the storage of excise salt?

(c) Whether formerly re-covering of heaps took place at long intervals?

Whether these intervals have recently been shortened so that the cost of re-storing has been increased?

Whether re-storing sale ramnants at Covelong and Merkanam circles was ordered in the midst of the present monsoon?

(d) Whether the Assistant Inspector and Sub-Inspector at Attiput went from house to house at the end of 1894, or beginning of 1895, or at any other time, and warned licensees that if they did not agree to monopoly they would not be allowed to manufacture salt or dispose of their stocks, but if they agreed to monopoly they would be allowed to manufacture any quantity of any quality?

The Hon'ble Mr. BLISS—

IV. (a) The answer is in the negative.

(b) It is not the case that a portion of the depôt was set aside for excise salt. It was set aside for excised salt, but it is reported that no application for permission to store excised salt therein has been made. In answer to the request of Messrs. Numberumaliah and Sons that the Madras Depôt should be re-opened for the storage of unexcised salt, they were informed that it would not be possible to make the arrangements this year. The Board of Revenue was requested to state under what conditions such storage might be permitted and when it would be able to complete the arrangements therefor. Its reply is now under the consideration of Government.

(c) The departmental order regarding the re-covering of heaps is as follows:—

“As a rule it will be found that heaps generally require more or less re-thatching from time to time, if the salt is to be properly preserved. Officers in charge of circles will be held personally responsible that the coverings of heaps are renewed often enough to prevent the salt being damaged by rain. In Monopoly factories funds are provided for this purpose, and in Excise factories the conditions of the

license can always be put into force." (Paragraph 140 of Circular Order No. I of 1893.)

This rule has not been altered, but the Deputy Commissioner, Central Division, has recently issued instructions to his subordinates that, as a general rule, heaps covered with palmyra leaves require re-thatching every fifteen months and these covered with straw or grass once every two years. The question of re-covering heaps is distinct from that of re-storing.

It is the case that, in pursuance of the Deputy Commissioner's general instructions, the Inspectors of the Covelong and Merkanam circles issued orders in October last for the re-storage of remnant heaps, but the Board of Revenue, on representations being made to it, countermanded the orders pending report on the representations made.

(d) The Government has no information in respect of these allegations, but if the Hon'ble Member will indicate any specific instances of such inducements being offered, inquiry will be made.

The Hon'ble Mr. G. L. CHAMBERS—

V. (a) Whether the Government is aware that there are enormous stocks of old salt lying all over the Presidency under orders for destruction?

(b) Whether it is a fact that certain experiments were made on an extended scale in 1894 by which it was proved that these stocks could be made easily saleable by sifting?

(c) Whether the Government at the present time intends to continue the destruction of wholesome salt rather than allow the licensees to sift it?

(d) Whether it is a fact that Government contemplates, as a result of these experiments, to sift certain stock of heavy monopoly salt itself?

The Hon'ble Mr. BLISS—

V. (a) Detailed information is not immediately available, but under the rules all excise salt that has been in store for more than five years is liable to be put up for sale by auction and to be destroyed if no bid is obtained.

(b) The answer is that it is a fact that certain experiments in sifting salt were made on an extended scale in 1894. The sifting was done by Messrs. Binny and Company and it is believed that they made a handsome profit by the transaction.

(c) & (d) The question of permitting the sifting of stored salt generally has been fully considered, and endeavours have been made to frame rules under which such permission might be granted in any factory, but it has been found impossible to devise a system under which, while the sifting of stored salt is permitted, the Government revenue can be safeguarded and the small licensees equitably treated. The question of permitting the sifting under special circumstances of stored salt, whether the property of Government or of licensees, for a limited period in the factories of the Vayalur, Ennore and Covelong circles is at present under the consideration of Government.

The Hon'ble Mr. G. L. CHAMBERS—

VI. Whether under the existing system of accounts it is possible for any portion of the expense of constructing and maintaining monopoly extensions, designed to keep down the prices of excise salt, to be made, or to become, a charge in the form of cess upon excise salt?

The Hon'ble Mr. BLISS—

VI. The Board of Revenue reports not.

The Hon'ble Mr. G. L. CHAMBERS—

VII. (a) Whether it is a fact that, although excise salt is considered unfit for human consumption and ordered for destruction after five years, a considerable quantity of monopoly salt more than five years old remains in the heaps that Government has recently purchased as a reserve, and whether it is intended to sell such monopoly salt?

(b) Whether monopoly salt has any time been destroyed in the same wholesale manner that is adopted with excise salt? If so, when and where?

(c) Are there any grounds for considering excise salt when five years old unfit for consumption and monopoly salt of the same age fit for consumption? If so, what are the grounds for this conclusion?

The Hon'ble Mr. BLISS—

VII. (a) The rule* is that the Commissioner may order salt that has been in store for more than five years to be sold by auction (the sale-proceeds going to the owner of the salt) and to be destroyed if no bid is obtained. This course is adopted, not on the ground that the salt becomes unfit for human consumption after being

* Rule II-B 14 of the rules framed by Government under section 85 (e) of the Salt Act and contained in Notification No. 406, published on pages 678-685, Part I of the Fort St. George Gazette, dated 9th September 1890, as amended by notification, dated 4th September 1893, on page 1108, Part I of the Fort St. George Gazette, dated 26th September 1893.

in store for five years, but because the fact that it has been in store for so long indicates that it is unsaleable or that the owner is unwilling to part with it at its marketable price, and it is necessary that the Commissioner should have power to order such salt to be cleared from the platform to make room for new salt. Government possesses salt more than five years old, and it is not the intention to destroy it unless it is unsaleable.

(b) The destruction of 51,600 maunds of Government salt at Pandraka was sanctioned in 1892, on the ground that it was unsaleable. Part of it was destroyed, but the destruction of the remainder was deferred as there was likely to be depletion of stocks at the factory on account of unfavourable manufacturing seasons and, a demand having arisen, some of it has been sold at a reduced cost price.

(c) The answer to the first part of this question is "No." The second part, therefore, requires no answer.

The Hon'ble N. SUBBA RAO PANTULU—

VIII. With reference to the despatch of the Secretary of State, dated 8th January 1885, disapproving of the principles of re-settlement assented to by this Government and communicated to this Government in November 1893, was your Excellency's Government pleased to bring to the notice of the Secretary of State that, so far as this Presidency is concerned, the pledges of Government, as embodied in the Settlement Manual and in the Standing Orders of the Board of Revenue, and the declarations of Government from time to time, have been to the effect that there will be no re-classification of soils or re-calculation of grain values in the case of districts once settled and that the terms of the said despatch of the Secretary of State cannot, in consequence, be made applicable to this Presidency?

The Hon'ble Mr. GROSE—

VIII. The Government did not address the Secretary of State in the matter; it could not have done so in the terms suggested by the Hon'ble Member.

The Hon'ble N. SUBBA RAO PANTULU—

IX. Will Government be pleased to place on the table a copy of the Secretary of State's despatch, dated 8th January 1885, and the other papers referred to in the answers given to my questions, Nos. XII and XIII, at the meeting of the Council held on the 4th November 1895?

The Hon'ble Mr. GROSE—

IX. The Government is not prepared to place on the table the papers mentioned by the Hon'ble Member.

The Hon'ble N. SUBBA RAO PANTULU—

X. Whether it is one of the principles now in force in regard to the revision of the assessment that, when a substantial rise in the value of agricultural produce justifies an augmentation of the State demand, a limit to the increase to be made at any one time should be laid down, in view to protect the agricultural classes from the hardships of large and sudden enhancements, and whether any, and if so what, limit has been laid down in regard thereto?

The Hon'ble Mr. GROSE—

X. There is no fixed limit to the increase in assessment which may be made at any particular revision of settlement; but in cases where the enhancement exceeds 25 per cent. the practice is that the rates should in the first instance be raised by that proportion only, the balance being imposed by subsequent annual increments.

The Hon'ble N. SUBBA RAO PANTULU—

XI. Whether, in arriving at the commutation rate for fixing the Government share of the produce, the principle now in force is to determine the same with reference to the average prices during the whole year or during the months in which the ryot generally sells his produce and pays the Government kists?

The Hon'ble Mr. GROSE—

XI. The commutation rate is determined with reference to the average prices throughout the whole year.

The Hon'ble N. SUBBA RAO PANTULU—

XII. With reference to the answer of Government given at the meeting of the 4th November 1895 that "the Government, upon considering the reports of the Deputy Commissioner and of the Revenue Board, decided that a re-classification of the soils of the delta of the Gódávári was necessary" and that "the Government is not prepared to place upon the table" the said reports and also the order of Government thereon, will Government be pleased to state the reasons for not placing the said papers on the table?

The Hon'ble Mr. GROSE—

XII. The Government declined to place the papers asked for upon the table because they contain much matter still under discussion, which it is considered

inexpedient to publish at the present stage. When the Deputy Commissioner's scheme-report is received, a copy will be furnished to the Hon'ble Member and opportunity will be afforded for criticism of the proposals made therein.

The Hon'ble N. SUBBA RAO PANTULU—

XIII. Will Government be pleased to state the special circumstances that led the Government to decide "that a re-classification of the soils of the delta of the Gódávári was necessary?"

The Hon'ble Mr. GROSE—

XIII. The reasons which led the Government to decide upon a re-classification of the soils in the delta of the Gódávári are the following:—

A close examination of the nature of the soils in three taluks has shown that they are alluvial in character and cannot be described as black regar or as red ferruginous. They are similar to the soils of the Kaveri Delta in Tanjore. It is also found that some areas of rich soils have deteriorated owing to defective drainage. Re-classification is therefore necessary in order to adjust the unequal incidence of the original rates. Other reasons are—

- (1) The original classification was not uniform, inequalities in classification being discounted as far as possible by the group assigned to the village.
- (2) The grouping of villages was not made with reference to markets and communications but solely with reference to the fertility of their soils.
- (3) The capacity of the several sources of irrigation in each village was not taken into consideration. The whole village was placed in a particular group or class with reference to the average valuation of all sources taken together.
- (4) Under the original settlement the scale of money-rates is so limited that it would not be possible under it to lighten the admittedly heavy assessment on the poorer soils.
- (5) Ever since the original settlement the black-clay wet soils have been paying higher assessment than the black loam notwithstanding the fact that according to crop experiments made thirty years ago and again recently the latter soil is more productive than the former.

The Hon'ble N. SUBBA RAO PANTULU—

XIV. Adverting to the answer of Government about the damage caused by the floods in the Colair lake that "the Collector of Kistna reports that there will be a total failure of paddy crop over an area of from fifteen to twenty thousand acres," will Government be pleased to state the extent of damage caused in the Government and Zamindari villages of the Gódávári district?

The Hon'ble Mr. GROSE—

XIV. The information asked for by the Hon'ble Member is not available. A report will be called for from the Collector.

The Hon'ble N. SUBBA RAO PANTULU—

XV. Is it a fact that there is no produce harvested in the Gódávári and Kistna lankas within the dates of the first two instalments fixed for the payment of the

QUESTIONS.

Government demand, and will Government be pleased to inquire into the matter and order the alteration of the dates of instalments so that they may not fall due before the harvesting of lanka produce?

The Hon'ble Mr. GROSE—

XV. The Government is not aware of the fact. The inquiry suggested by the Hon'ble Member will be made, and if the result should show that a change in the dates of instalments is called for, the question of how they may be suitably fixed will be considered.

The Hon'ble N. SUBBA RAO PANTULU—

XVI. Has Government framed any rules under section 16 of the Local Boards Act of 1884 for the election of members of taluk boards by union panchayats?

The Hon'ble Mr. BLISS—

XVI. No.

The Hon'ble C. JAMBULINGAM MUDALIYAR—

XVII. (a) Has the Government received a petition from the inhabitants of Palmaner village, in the North Arcot district, protesting against the conversion of their union into a major union with liability to pay maximum rates of house-tax? Did the Local Fund District or Taluk Board, prior to resolving upon the levy of the tax, inform or consult the inhabitants of the village about its intention to make Palmaner a major union, and invite or hear objections of the people of the village against that proposal?

(b) Will the Government be pleased to state if it is a fact that there are only 830 houses in the village, including choultries, temples and other public places, of which 450 are huts similar to Woddar huts, 200 mud terraced houses worth 50 or 60 rupees each, and only 100 tiled and 5 terraced houses; and if this is correct will the Government be pleased, in view to the great poverty of the village, to rescind its order directing full house-tax to be levied therein?

(c) Will the Government be pleased to direct Local Fund Boards, in future, to consult and hear the objections of the inhabitants of every village which is intended to be made a union, or to be converted from a minor to a major union?

The Hon'ble Mr. BLISS—

XVII. (a) The answer to the first part of the question is "Yes." With reference to the second part, Government has no information. It is not understood what the Hon'ble Member means when speaking of "converting" into major unions. The Hon'ble Member will find in section 3 (iv) of Madras Act V of 1884 information as to what constitutes a major union. The levy of the house-tax is not affected by the question whether any particular union is a major or minor one.

(b) From a report received from the President of the District Board it appears that there are 1,189 houses in the village liable to taxation from which an income of Rs. 682 per annum is expected. The Government considers that unions should, as far as practicable, be self-supporting and that the funds of taluk boards should be called upon as little as possible to contribute to their upkeep and consequently sees no reason to reconsider its order approving the levy of full house-tax in this union.

(c) As regards the formation of unions the Government is not prepared to issue any order, the matter being one which should be left to the discretion of local boards. With reference to the concluding portion of the question, the Hon'ble

QUESTIONS.

Member's attention is called to the answer already given to clause (a) of this question.

The Hon'ble C. JAMBULINGAM MUDALIYAR—

XVIII. Has the Government granted the privilege of election to any of the Unions (Panchayats) in this Presidency constituted under Madras Act V of 1884; and if so in what places and to what extent? Will the Government be pleased to grant, under section 122, Act V of 1884, the privilege of electing members of unions by the taxpayers and inhabitants of the union to the extent of at least half the sanctioned strength of the union, in all the major unions of the Presidency, and prescribe such rules and conditions under section 121 (ii) of the Act for purposes of election as the Government may deem fit?

The Hon'ble Mr. BLISS—

XVIII. The privilege of electing members of panchayats has not been granted in any unions, nor is the Government prepared at present to introduce the system.

The Hon'ble C. JAMBULINGAM MUDALIYAR—

XIX. Has the attention of Government been drawn to the remarks contained in a "correspondent's" letter in page 5 of the *Madras Standard* newspaper of the 28th November 1895, and the sub-leader in page 4 of the paper of the same date, in the matter of stamp defalcations in the Government Treasury at Negapatam? In view to prevent misapprehension by the public, will the Government be pleased to place on the table the order passed by the Government on the subject and such other papers as the Government may deem fit to make public?

The Hon'ble Mr. BLISS—

XIX. Yes, but the Government is of opinion that no good purpose would be served by the publication of the papers referred to by the Hon'ble Member. The facts of the case were before the public at the trial of the head shroff, who was convicted by the Sessions Court of Tanjore and sentenced to imprisonment and fine. The orders which Government has passed deal with the misconduct of certain officials through whose neglect the defalcation was made possible and call for further information and for explanation from the European officers whose duty it was to inspect the taluk treasury from time to time. In the case of these officers the Government awaits their explanation before passing final orders.

The Hon'ble C. JAMBULINGAM MUDALIYAR—

XX. (a) Will the Government be pleased to state the area reserved under Chapter II of the Madras Forest Act V of 1882 as reserve forests since the close of the year 1890-91 according to the new Forest policy of this Presidency, and the extent to which notification has been issued under section 4 of the Act, and which is in the course of reservation under Chapter II?

(b) Will the Government be pleased to state what extent of the area that has been so reserved, or is under course of reservation, represents forests which would fall under Class (c) Minor forests, fuel and fodder reserves, and (d) Pasture lands, as described in Government of India Resolution, No. 22 F., dated 19th October 1894?

(c) Will the Government be pleased to transfer all such areas of minor forests, fuel and fodder reserves and pasture lands from the class of reserve lands to that of unreserve lands under Chapter III of the Madras Forest Act, and regulate them under rules framed under section 26 of the Act, as contemplated in paragraph 15 of the

QUESTIONS.

Resolution, No. 22 F., of the Government of India, dated 19th October 1894, and free such areas from the stringent rules applicable to reserve lands?

Will the Government be also pleased to completely disafforest fuel and fodder reserves and grazing areas pure and simple, situated in the midst of or in the vicinity of cultivated tracts, as contemplated in the latter part of paragraph 15 of the said resolution?

The Hon'ble Mr. GROSE—

XX. (a) The Hon'ble Member is referred to the annual Forest Administration reports for 1890-91 to 1894-95 which contain the information for which he asks.

(b) The information asked for by the Hon'ble Member is not available in the Government Office and the Government does not propose to call for it as the compilation of the necessary statistics would entail an excessive amount of labour.

(c) The Government has since 1890 acted on the policy that, if it is desirable to protect any area at all, whether for the purposes of timber growth, for fuel and fodder or for grazing only, it is necessary to reserve the land absolutely. The Government of India has approved the continuance of this policy. It follows, therefore, that the Government is not prepared to transfer all minor forests, fuel and fodder reserves and pasture lands to the class of unreserved lands or to disafforest all fuel and fodder reserves and grazing areas pure and simple situated in the vicinity of cultivated tracts. The Government has, however, under consideration what reserves should be disafforested on the ground that they do not exceed one square mile in extent.

The Hon'ble C. JAMBULINGAM MUDALIYAR—

XXI. (a) Is it a fact that certain officials in the Cuddapah district grossly abused the privilege granted recently by Government to *bona fide* agriculturists to take free of cost babul trees for their domestic and agricultural purposes, and felled and appropriated to themselves large quantities of this wood, while they were clearly not intended to be benefited by the order?

(b) Did traders and speculators, who had no interest in the village, follow the example of these officials and denude the babul jungles of all trees, to the great hardship and disadvantage of the village population?

(c) Did the Government, in consequence of the above occurrence, rescind the order, depriving thereby even *bona fide* agriculturists of the privilege of taking these trees free of charge for fuel, &c.?

(d) Is it a fact that in the tract of country where these incidents happened, no other wood is available for fuel and other domestic and agricultural purposes?

(e) Is it also a fact that, in consequence of the above occurrences, babul tree, hitherto classed under Class 3, has been raised to Class 2, and a higher seigniorage is levied on the same than before?

(f) Did the Government direct the subordinate authorities to issue definite instructions for regulating the free use of the wood, and preventing abuse; and what effect was given by those authorities to such instructions of Government, if any?

The Hon'ble Mr. GROSE—

XXI. The matter referred to is at present under inquiry by the Board of Revenue.

MALABAR LAND REGISTRATION BILL No. 2 OF 1895.

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The SECRETARY.—I have the honour to report that the following Bills, which were passed by the Council on the 4th November 1895, received the assent of His Excellency the Governor on the 12th idem:—

- (1) A Bill to limit the local extent of the Madras Rent Recovery Act, VIII of 1865.
- (2) A Bill to amend the Madras General Clauses Act, I of 1891.

PETITIONS, &c.

The SECRETARY, laid on the table the following papers:—

- (1) Memorial from the Kerala Mahajana Sabha, Calicut,
- * (2) G.O., No. 657, Revenue, dated 1st October 1895,
- * (3) G.O., No. 845 I., dated 16th October 1895,
- * (4) G.O., No. 855 I., dated 23rd October 1895,
- (5) G.O., No. 115, Legislative, dated 6th November 1895,
- (6) G.O., No. 117, Legislative, dated 8th November 1895,
- (7) G.O., No. 118, Legislative, dated 8th November 1895,
- (8) G.O., No. 114, Legislative, dated 4th November 1895,
- (9) G.O., No. 120, Legislative, dated 12th November 1895,

and reported that No. (1) which relates to the Malabar Land Registration Bill, and Nos. (5), (6) and (7) which relate to the Malabar Marriage Bill have been transferred under Rule 45 of the Council Rules to the Select Committees appointed to consider those Bills.

MALABAR LAND REGISTRATION BILL No. 2 OF 1895.

The Hon'ble Mr. GROSE.—My Lord, I have the honour to present to the Council the Report of the Select Committee on Bill 2 of 1895, a Bill to make better provision for the registration of proprietors, subject to the payment of land revenue to Government in Malabar and the Wynaad.

When I moved that the Bill should be read in Council at the last meeting, I explained the general scope of the Bill and showed why it was considered necessary; so I need say very little about it now. The alterations which the Select Committee have made are all in favour of the proprietors. The most important is the new provision contained in section 14, which, as the Committee state, allows the Collector, in cases where the proprietor and tenant agree, to proceed against the tenant for the recovery of arrears. This, as the Committee say, would find a more appropriate place in a special tenancy law for Malabar, and such a law is in contemplation; but pending the passing of such an enactment, it has been deemed advisable to insert the provisions of section 14 in the Bill. Two of the Hon'ble Members have minuted to the effect that section 14 does not go far enough and have proposed to substitute two sections for it. These two sections have been carefully considered by the Executive Government and they are prepared to accept them in substance, but certain modifications seem to be necessary. A petition, dated the 12th instant, from some Malabar janmis

* These papers were communicated with reference to the answer given to questions Nos. XV and XVI at the meeting held on the 4th November 1895.

has been placed in my hands, in which they request that the tenant's "monied interest or his period of interest in the land should be distrainable without encumbrances." I suppose they mean that the Collector should sell up any saleable interest the tenant may have in the land before he proceeds against the janmi, but I do not think such a provision can be safely inserted. In the first place, our law, which is a very old one, makes the janmi only responsible for the revenue, and in the second place we have no means of determining what interest the tenant has got in the land and whether it is saleable or not. Two telegrams, dated the 17th instant, have also been placed in my hands, one from the Zamorin of Calicut and one from the Tirumialpad of Nilambur, in which they say that the Select Committee's amendments are inadequate, and the amendments proposed in the minute do *bare* justice. As I have stated no new provision is embodied in the Bill. It simply arranges for the carrying out of an operation which was made compulsory by a Regulation passed 93 years ago.

It has been represented, too, to the Executive Government that an addition might be made to section 9, enabling the person registered in his absence to have his name removed from the register on the ground that he has no interest in the land and is unwilling to accept responsibility for the payment of the revenue. This seems to merit consideration and an addition will be proposed accordingly.

I have now the honour to propose that the Bill and Report be taken into consideration.

The Hon'ble Mr. J. F. PRICE seconded the motion, which was unanimously carried.

His Excellency the PRESIDENT.—Is the Preamble agreed to?

Carried.

His Excellency the PRESIDENT.—Sections 1, 2, 3, 4, 5, 6, 7 and 8?

Carried.

SECTION 9.

[This section runs as follows:—"If the person registered under section 6 or section 7 has not made an application under section 3, the Collector shall give him notice of the registration by the publication of the fact in the District Gazette and also, if his address is known, by letter sent by post registered."]

The Hon'ble Mr. BLISS.—I beg to move an amendment with regard to this section. It was not until after the proper date fixed for the receipt of amendments had elapsed that it was suggested that this clause should be amended. When we came to investigate the matter, we found it was necessary. Therefore, with your Excellency's permission, I beg to move my amendment. For the convenience of Hon'ble Members I have had this and my other amendments printed, and they will be found on the table. The point with reference to section 9 is this: it deals with the case in which the Collector, after making an inquiry, determines to register the land in the name of some person who has not appeared before him. A difficulty may arise in this way:—The Collector may register the land in the name of a person who does not desire to have the land registered in his name. In that case the man would be put in an invidious position, because if the land is registered in his name without his consent, he would be liable to have his property attached, his person seized and be put in jail in the event of arrears accruing on the land, the ownership of which he desires to repudiate. I therefore propose that the figure (1) be inserted at the commencement of section 9 of the Bill as amended by the Select Committee and that the following be added as clause (2) of that section:—

"If any person to whom notice has been given under this section objects to such registration, he may apply to the Collector within two months of the date of the publication of such notice in the District Gazette or within one month of the receipt of the registered letter containing such notice, whichever is later, to have his name removed from the register, and the Collector shall thereupon consider his objections and shall either remove his name from the register or direct its retention therein as he may see fit; in the former case the Collector shall proceed under section 6 as if no such registration had been made."

That is to say, when a man comes to the Collector with his objections, the Collector, if he finds the objections urged to be frivolous, will order the retention of his name in the register. Then the only course left will be for the man to file a suit in the Court. But, on the other hand, if the Collector finds that the man's objections are valid and that, as a matter of fact, a mistake has been made, and that he is not the owner of the land, then he will remove the man's name from the register. In that case he will proceed under section 6 as if no registration had been made. Hon'ble Members will see that my amendment is a reasonable one, and I hope they will accept it.

The Hon'ble N. SUBBA RAO PANTULU seconded the motion.

The amendments were put to the Council and carried.

His Excellency the PRESIDENT.—The question is whether section 9 as now amended do form part of the Bill.

This was agreed to.

His Excellency the PRESIDENT.—That sections 10, 11, 12 and 13 do form part of the Bill.

This was agreed to.

SECTION 14.

This section runs as follows:—"14. Notwithstanding anything contained in this Act or in Regulation XXVI of 1802, an occupant of an estate under a written agreement for a period of not less than five years may, with his consent signified in writing and on the application of the registered proprietor, be entered as occupant in the register maintained by the Collector under the said regulation jointly with the proprietor for the period of such agreement, and in every such case the Collector may take proceedings against such occupant for the recovery of arrears of revenue due in respect of such estate under the provisions of the Madras Revenue Recovery Act II of 1864 in so far as they relate to the seizure, attachment and sale of moveable property or of the crops or ungathered products of land on which an arrear is due."

"Provided that nothing contained in this section shall be deemed to affect the power of the Collector to recover from the registered proprietor of such estate under any or all of the provisions of the said Act any arrear of revenue which may be due on such estate or on any other estate registered in the name of such proprietor."

The Hon'ble C. SANKARAN NAYAR.—I beg leave to withdraw the amendment that stands in my name and of which I gave notice, viz., "That section 14 be omitted." This amendment was, by leave, withdrawn.

His Excellency the PRESIDENT.—The Hon'ble C. Vijayaraghavachariar will now move his amendments.

The Hon'ble C. VIJAYARAGHAVACHARIAR.—I am content to accept the amendments of the Hon'ble Mr. Bliss in place of mine.

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His Excellency the PRESIDENT.—Then you withdraw your amendment.

The Hon'ble C. VIJAYARAGHAVACHARIAR.—Yes, on the condition that the amendment of the Hon'ble Mr. Bliss is moved.

His Excellency the PRESIDENT.—Of course, that will be done.

The Hon'ble Mr. BLISS.—Before accepting the generous offer of the Hon'ble Member, I should like in common fairness to know if his attention has been drawn to the word "may" in the third line of the new amendment—i.e., section 15.

The Hon'ble C. VIJAYARAGHAVACHARIAR.—I have already noticed it. But I understand that there will be a departmental order issued directing the Collector to proceed in the first instance against the tenant.

The Hon'ble Mr. BLISS.—I am quite willing to give an undertaking on behalf of Government that we will issue a departmental order that the property of the tenant should as a general rule be first proceeded against. But I cannot consent on the part of Government to give up its immemorial right to proceed against the landowner, if that is thought proper.

The amendment of the Hon'ble C. Vijayaraghavachariar was, by leave, withdrawn.

The Hon'ble Mr. BLISS.—I have to ask for permission to bring forward the amendment to this section, of which I have not been able to give sufficient notice under the rules. The fact of the matter is that till I saw the formal notice of the Hon'ble C. Vijayaraghavachariar's amendment, it was impossible to know what should be done in regard to the case. After what has fallen from the Hon'ble Member, it is only necessary for me to formally propose the following amendment: That section 14 of the Bill, as amended by the Select Committee, be omitted, and that the following be substituted therefor:—

"14. Notwithstanding anything contained in this Act or in Regulation XXVI of 1802 the Collector shall, on the application of the registered proprietor of an estate, register as occupant jointly with such proprietor any person entitled to occupy such estate under an agreement in writing for a period of not less than five years;

"Provided that no such registration shall take place unless such person signifies his consent in writing to such registration or a Civil Court of competent jurisdiction passes a decree, which it is hereby empowered to do, directing such registration in pursuance of a contract entered into between the proprietor and such person whereby the latter has undertaken to pay direct to Government the amount of land revenue assessed on such estate;

"Provided further that such registration shall have effect for the period of such agreement only."

"15. In every case in which an occupant of an estate has been registered under the last preceding section and an arrear of revenue has accrued due in respect of such estate subsequent to such registration, the Collector may take proceedings in the first instance against such occupant under the provisions of the Madras Revenue Recovery Act II of 1864 in so far as they relate to the seizure, attachment and sale of moveable property or of the crops or ungathered products of land on which an arrear is due;

"Provided that nothing herein contained shall debar the proprietor from recovering by suit from such occupant the arrear of revenue or portion thereof which, owing to the default of such occupant, has been paid by, or recovered from, him;

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"Provided further that nothing contained in this section shall be deemed to affect the power of the Collector to recover from the registered proprietor of such estate under any or all of the provisions of the said Act any arrear of revenue which may be due on such estate or on any other estate registered in the name of such proprietor."

The Hon'ble N. SUBBA RAO PANTULU seconded the motion.

The amendment was put to the Council and carried.

His Excellency the PRESIDENT.—The question is that the new sections 14 and 15 do stand part of the Bill.

This was agreed to.

The Hon'ble Mr. BLISS.—I beg to move "that the sections subsequent to the old section 14 be re-numbered as 16, 17, 18, 19, 20 and 21, in consequence of the introduction of the new section 15."

The Hon'ble C. JAMBULINGAM MUDALIYAR seconded the amendment.

This was put to the Council and carried.

His Excellency the PRESIDENT.—Sections 16, 17, 18, 19, 20 and 21 do stand part of the Bill.

This was agreed to.

The Hon'ble Mr. GROSE.—No Hon'ble Member having raised any objection to the Bill being passed into law at this meeting, I now move "that the Bill, as amended, be passed into law."

The Hon'ble Mr. GIBSON seconded the proposition.

The motion was then put to the Council and carried.

The SECRETARY having announced that there was no further business before the Council, His Excellency the PRESIDENT dissolved the meeting.

(By order.)

FORT ST. GEORGE,
19th December 1895.

LIONEL DAVIDSON,
Secretary to the Council.

Legislative Department.



& Municipal Dept
CURRENT No. 346 L

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

*Proceedings of the Madras
Legislative Council, of 18th
December 1895.*

*Order. — No. 4, of 30th January
Communicated to the
Local and Municipal, and
Revenue Departments.
(True Extract)*

W. R. S.

*Ag. Under Secretary
for Chief Secretary.*

*To
The Local and Municipal,
Department
" " Revenue Department*

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

AGAIN G.O., No.
 189

DATED

SENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

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