

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 205 L.

DATED 3-2-98.

INDEXED.

DESPATCHED

[Despatch Abstract.]

Communal Lands — Transferring
to the Revenue department for
necessary action the papers regarding
— in proprietary estates.

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.

[5]
700-6-4-96.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. of 189 , dated

from the

Current No. 3068 of 1898 , dated 14th Nov 1897 from the Revenue Department

Order. N. 205 Luis 2 3-2-98

The papers will be transferred to the Revenue Department, with the notes of the Honble members in original, for necessary action -

(from orders)

12
2/2/98

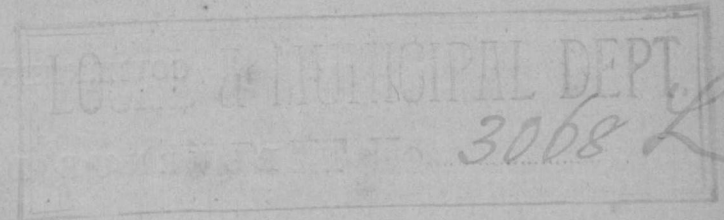
AT
2.2.98

To

The Revenue Department
with H. M's notes, and papers returned -

10/2/98

Government {1897} of Madras.
REVENUE.



Recd. 20th Nov. }
Regd. } 1897.

Enclosures Copy of notes in full & the Collectors' reports in original.
Spare copies 4

G.O., No. 909, 4th November 1897.

NOVEMBER.

Communal Lands.

Stating that the necessary steps will be taken in the Local and Municipal Department regarding the prevention of encroachments upon — in proprietary estates.

24/11/97

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), No. 228, dated 9th July 1897:—

FULL BOARD.

Read—again Proceedings of the Board of Revenue (Land Revenue), No. 59, dated 12th February 1896.

ABSTRACT.—Calling for reports as to whether and to what extent zemindars and other proprietors have encroached on lands reserved for communal purposes at the time of the permanent or inam settlement.

Read—again Proceedings of the Board of Revenue (Land Revenue), R. No. 1991, dated 22nd July 1896.

ABSTRACT.—Recording letter from the Collector of Nellore explaining the cause of delay in replying to Board's Proceedings, No. 59, dated 12th February 1896, regarding encroachments made on lands reserved for communal purposes in zemindaris and entire inam villages.

Read—again Proceedings of the Board of Revenue (Land Revenue), Mis. No. 3433, dated 27th July 1896.

ABSTRACT.—Informing the Separate Revenue Department, that a report on the extent of encroachments by zemindars and other proprietors on communal lands situated in their estates will be submitted to Government on receipt of Collector's replies to Board's Proceedings, No. 59, dated 12th February 1896, and that the question of reserving waste lands for topes will be considered in the Forest Branch, and considering that notices cannot be issued prohibiting the zemindars from charging differential rates for trees to be tapped for toddy.

Read—again Proceedings of the Board of Revenue (Land Revenue), R. No. 201, dated 18th January 1897.

ABSTRACT.—Recording, with remark, letter from the Collector of Nellore stating that it will take some time for the submission of a complete reply to Board's Proceedings, No. 59, dated 12th February 1896, for want of sufficient information from the zemindari karnams.

Read—also replies from Collectors to Board's Proceedings, No. 59, dated 12th February 1896, regarding encroachments made on lands reserved for communal purposes in zemindaris and entire inams.

Resolution—No. 228, dated 9th July 1897.

The Board resolves to submit to Government the report on encroachments on communal porambokes in zemindaris and whole inam villages, which was called for in Government Order, Mis. No. 345, dated 27th January 1896.

2. Government desires information as to whether and to what extent zemindars and other proprietors have encroached on lands which, at the time of the permanent or inam settlement, were reserved for communal purposes. In reply to Board's Proceedings, No. 59, dated 12th February 1896, calling upon Collectors to furnish this information, the Collectors of Nilgiris and South Canara observe that there are no zemindaris or whole inam villages in their districts. In Malabar no lands are said to have been reserved for communal purposes, but the same tendency to encroach on the public roads is found in this district as in others. There are no zemindaris in Cuddapah, Anantapur, Bellary, Kurnool and Madras, but there are shrotriems or whole inam villages in all these districts. The Collector of Madras states that the roads within the shrotriems of Chintadripet, Tiruvatiswaranpet and Alwarpet are in charge of the municipality and that there has consequently been no room for encroachment by the shrotriemdars concerned.

3. The reports submitted by Collectors are accompanied in most cases by statistics showing the extent of encroachments on communal lands. The Collectors of Trichinopoly, Madura and Salem have been unable to furnish figures with their reports; but the Collector of Trichinopoly states that, as regards whole inam villages, he has caused a statement to be prepared showing the extent specified as poramboke at the inam settlement and that he has instructed Tahsildars to have another statement prepared showing the extent of land at present used for communal purposes. The available figures for the other districts have been abstracted in the appendix to these Proceedings. They show that encroachments to the extent of 5,168 acres have

	ACS.
Ganjám	1,444
Gódávári	1,237
Coimbatore	922
Total	3,603

been found in fifteen districts; nearly three-fourths of this extent are contributed by the three districts named in the margin. The appendix to these proceedings furnishes such information as is available regarding the different kinds of porambokes encroached on. Of these, the area reserved for roads seems to have suffered most by encroachment, next to it, tanks and tank-beds, and in a minor degree, village-sites.

4. The first query of Government as to whether zemindars and other proprietors have encroached on lands previously reserved for communal purposes must, therefore, be answered in the affirmative. As regards the extent to which this has been done, the information furnished is, as explained by the Collectors, incomplete owing, principally, to the following causes:—

(1) In the case of zemindaris, the old accounts (called gudikattu in Ganjám, bhubund accounts in Gódávári, amaraka dittam or extent of holdings in Kistna, dittum accounts in Nellore and paimash accounts elsewhere) have not been maintained for every village, and where maintained, they are vague and inaccurate, and in several cases do not contain particulars of the different kinds of poramboke;

(2) the difficulty of obtaining accounts from the karnams; and

(3) the difficulty of identifying the different classes of poramboke and of ascertaining their present extent in the absence of survey plans and field measurements. In the opinion of most Collectors, the actual extent of the encroachments made is very much larger than that reported; but the Collectors of Madura and Bellary have recorded their belief that the encroachments in their districts are not of a very serious character. The enquiries made in Ganjám show that encroachments have been general in that district, especially in the Aska division where the facilities for irrigation afforded by the Rushikulya canal have caused many to be made in quite recent years. In support of this view, it may be observed that the extent of the encroachments in three of the villages selected for special inquiry in the Head-quarters Deputy Collector's division is exceedingly large, amounting to acres 328, 261 and 376, respectively.

In Vizagapatam free use of communal land for cultivation is said to be the rule. Almost the whole* of the extent originally reserved for communal purposes in Gódávári, so far as is known,

* Acres 1,236.81.

has been leased out by the proprietors for cultivation. The Collector reports that besides the above, encroachments by private individuals without the leave of the zemindar or proprietor are of common occurrence.

5. In the Board's opinion there is no room to doubt that encroachments upon lands intended to be reserved for communal purposes in proprietary estates, have been extensive in the past and are still liable to occur, not only at the will of the proprietor, but whenever an inhabitant wishes to build a hut, enlarge his backyard, or otherwise extend his premises.

The frequency with which encroachments on porambokes in Government villages have to be repressed at jamabandi may be taken as an index of what is doubtless going on unchecked in all proprietary estates.

6. There is, however, no map or record by which the situation and extent of poramboke lands in proprietary estates can be known, and it may be doubted whether an attempt to ascertain and demarcate the limits even of such porambokes as still exist, would not involve more trouble and expense than the result would be worth. The enquiry would be a very large one, would certainly require the employment of a special establishment for several years, and would probably involve the Government in much litigation.

(True Copies and Extract.)

(Signed)

R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with the Collectors' reports and statements to be returned.

Copy to all Collectors.

" to the Settlement Department.

" to the Separate Revenue Department.

APPENDIX.

Class and extent of porambokes encroached upon								
	Village-site.	Puntas, donkas, pathways, road or street.	Cattle-stand.	Channel.	Tanks or tank-beds.	Burial ground.	Charitable tank.	Charitable tope.
1	2	3	4	5	6	7	8	9
	ACS.	ACS.	ACS.	ACS.	ACS.	ACS.	ACS.	ACS.
Vizagapatam	73-63	782-10	..	69-39	148-49	9-26	..	..
Godavari	66-70	5-30	..	0-33	285-83	28-35	13-59	8-50
Kistna	4-10	..	..	..	..	..	..	8-60
Cuddapah	6-43	..	..	..	..	..	..	..
Anantapur	8-13	..	..	..	..	..	..	..
Kurnool	2-59	..	..	15-32	45-46	10-91	..	4-31
Chingleput	3-03	54-92	..	..	7-41	9-09	..	..
South Arcot	14-27	4-96	8-40	..	124-26	3-88	..	..
Tanjore	10-33	12-06	3-87	*3-72	†50-53	1-96	..	..
Tinnevely	21-44	..	..	..	..	..	..	..
Total	190-32	869-67	12-27	152-01	661-98	63-45	13-59	21-41
Ganjám	..	..	..	..	..	..	..	..
Nellore	..	..	..	..	..	..	..	..
Bellary	..	..	..	..	..	..	..	..
North Arcot	..	..	..	..	..	..	..	..
Coimbatore	..	..	..	..	..	..	..	..
Total	..	..	..	..	..	..	..	..
Grand Total	..	..	..	..	..	..	..	..

Details not given.

Class and extent of porambokes encroached upon—cont.							Remarks.
	Temple.	Thrashing floor.	Mountain poramboke.	Grazing ground.	Miscellaneous.	Total.	
	10	11	12	13	14	15	
	ACS.	ACS.	ACS.	ACS.	ACS.	ACS.	
Vizagapatam	..	..	..	..	170-87	73-63	
Godavari	..	..	..	..	..	1,236-81	
Kistna	..	..	..	..	..	345-67	
Cuddapah	..	..	..	..	..	15-36	
Anantapur	..	..	..	..	..	8-13	
Kurnool	0-72	5-17	104-00	0-91	33-77	278-52	
Chingleput	0-33	..	..	..	..	44-46	
South Arcot	..	..	..	..	141-17	342-89	
Tanjore	0-73	3-12	..	..	..	97-43	
Tinnevely	..	..	..	..	..	..	
Total	1-78	8-29	104-00	0-91	345-81	2,445-49	
Ganjám	..	..	..	..	..	1,444-02	Inclusive of all land other than the cultivable area.
Nellore	..	..	..	..	..	1-07	
Bellary	..	..	..	..	..	71-28	
North Arcot	..	..	..	..	..	284-40	
Coimbatore	..	..	..	..	..	921-94	
Total	..	..	..	..	..	2,722-71	
Grand Total	..	..	..	..	..	5,168-20	

* Odai.

† Urani ACS.
Tank-bed 29-93
Bund 16-95
.. .. 3-65

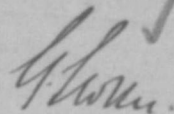
No. 909, REVENUE, 4TH NOVEMBER 1897.

ORDER—No. 909, Revenue, dated 4th November 1897.

Miscellaneous.

The Board's report read above clearly shows that encroachments upon lands intended to be reserved for communal purposes in proprietary estates have been extensive in the past and are still liable to occur. The Government accordingly considers it desirable to legislate as proposed in the concluding portion of paragraph 2 of G.O., Mis. No. 345, dated 27th January 1896. The necessary steps will be taken in the Local and Municipal Department.

(True Extract.)



Secretary to Government.

To the Board of Revenue (Land Revenue).
 „ the Local and Municipal Department, with copy of notes
 in full, and Collector's reports in original.

Exd. Shaik Karim

40 Copies.

Read Current No. 6830 of 1897.

For Orders.

Please see G.O. 345

The Hon Mr. Grace C. J. E.

The Hon Sir Henry Bliss K.C.J.E.

dated 27th January 1896 and the notes thereunder.

In August 1896, the Chairman of the Vizianagaram Municipality reported upon the claim put forward by the Maharaja to all vacant sites and sides of roads within the Municipality, and upon the receipt of the report, the Government observed that such claims on the part of Zamindars and holders of whole gram villages were by no means uncommon, and feared that considerable inconvenience would be caused by encroachments on Communal property unless timely steps were taken to repudiate and resist these claims. It is the Village Communities that are interested in the proper preservation of the Communal porambokes; but as they are neither wealthy nor public spirited and cannot be

be expected to take united action against a powerful landholder, the Government was disposed to think that the only suitable plan of protecting the Communal lands from encroachment was to vest them in Local Boards or Municipal Councils by legislation. Before however taking action in that direction, it called upon the Board of Revenue to furnish information (1) as to whether Zemindars and other proprietors have encroached upon lands reserved for Communal purposes at the time of permanent or incam settlement as the Case may be; and (2) as to the extent of such encroachments.

2. The Board of Revenue consulted the Collectors of the several districts and in the Proceedings read above submits its consolidated report.

It will be seen from this that in Malabar no lands are said to have been reserved for Communal purposes; that in the Nilgiris and South Canara there are no Zemindars or whole incam villages; and that

Ganjam | N. Arcot
Mellore | Coimbatore.
Bellary

that in Madras, where there are only the Shrotriams of Chintadripet, Tirumakudawarapet and Alwarpet, the roads within these villages are in charge of ^{the} Municipality and that there has consequently been no room for encroachment by the Shrotriams concerned. The Collectors of Trichinopoly, Madura, and Salem have been unable to furnish figures with their reports. Excluding these seven districts and excluding also the marginally noted five districts for which details have not been furnished, all the available figures for the remaining ten districts have been tabulated by the Board under the following headings:-

Extent of encroachment.
Acre. Cent.

1. Village site	190	- 32.
2. Puntas, dorkas, pathways road or street	3869	- 67.
3. Cattle stand	12	- 27.
4. Channels	152	- 1
5. Tanks or tank bed lands	661	- 98.
6. Burial Grounds	63	- 45.
7. Charitable tank	13	- 59
8. do - top	21	- 41
9. Temple	1	- 78
10. Thrashing floor	8	- 29.
11. Mountain poramboke	104	- 0
12. Grazing grounds	-	- 91
13. Miscellaneous	345	- 81.
Total	2445	- 49

Add areas for Ganjam,
Millore, Bellary, & anant,
and Coimbatore, for
which details have
not been furnished --- 2722 - 71

Grand Total - 5,168 - 20

3. It will thus be observed
that the area reserved "for roads
&c." has suffered most by en-
croachment; next "tanks and
tank-bed lands", and in a
minor degree "village sites". The
originally noted three districts,

Ganjam - - - - - 1444
Godavari - - - - - 1237
Coimbatore - - - - - 922
Total Area 3603

Contribute nearly three-fourths
of the total extent of encroach-
ments.

4. The Board of Revenue
accordingly answers in the
affirmative the first question,
(i.e.), whether Zemindars and
other proprietors have encroach-
ed upon land previously
reserved for Communal
purposes and it thinks that there
is no room for doubt that en-
croachment upon Communal
land in proprietary estates,
have been extensive in the
past and are still liable to
occur not only at the will of
the proprietor but whenever
an inhabitant wishes to
build a hut, enlarge his
backyard or otherwise
extend his premises and that
the frequency with which
encroachments on poram-
bokes in Galt villages have
to be repressed at Tanjore
may be taken as an index
of what is doubtless going on
unchecked in all proprietary
estates.

5. As regards the second question i.e., the extent to which encroachments have taken place, the Board states that the information furnished by the Collectors is incomplete owing to the following causes:—

- (1) In the case of Zemindaris the old accounts have not been maintained for every village and where maintained they are vague and inaccurate and in several cases do not contain particulars of the different kind of poramboke;
- (2) the difficulty of obtaining account of the Kurmaris;
- (3) the difficulty of identifying different classes of poramboke and of ascertaining their present extent in the absence of survey plans and field measurements.

In view of the above difficulties, the Board doubts whether an attempt to ascertain and demarcate the limits even of such poramboke as still exist would not involve more trouble and expense than the result would be worth and states that the enquiry would

I don't think it is necessary for Govt to do this. If the property is given to L.F. Bd. & Municipalities they can arrange for surveys when necessary.

(Int'd) J. G.

Govt might order surveys where necessary. If litigation followed, the L. Bd. & M.C. would have to undertake it, and for the sake of the people it would be worth their while to do so. But in my opinion there should not be much litigation if disputed questions were approached in a proper spirit of compromise, with the desire to permanently secure for the public only as much as the public really need, without taking away from Zemindars & Inamdars lands which the public really does not need, merely because once classed as poramboke.

(Int'd) H.B.

IV of 1884.

I of 1884.

be a very large one would certainly require the employment of a special establishment for several years and would probably involve the Govt in much litigation.

6. It is not known what proportion the extent of encroachments reported bears to the total extent reserved for Communal purposes. But it does not seem necessary that any further enquiry should be made. The Collectors' reports clearly show that encroachments have been made on Communal lands and in some cases to a considerable extent, and most Collectors are of opinion that the actual extent of the encroachments made is very much larger than that reported. In the above circumstances it seems desirable to legislate as originally proposed by Government, by the insertion of a few provisions in the Dh. Municipalities' and the Local Boards' Act, vesting all communal land in Zemindaris and whole inam villages in the Municipal Councils or

or Local Boards concerned and giving those bodies power to repress encroachments upon such lands. If the proposal be approved, the papers may be transferred to the Local & Municipal Dept. for the necessary action. It is understood that a bill to amend the Local Boards Act is now under consideration in that Dept. In regard to the areas under the jurisdiction of Municipal Councils, a short amending Act containing a few sections will probably suffice.

7. In this connection attention is solicited to G.O. No. 1992 R dt 26-10-96 and the notes under G.O. 3612 Ins (Rev) dt 9-9-96 in regard to the treatment of Puntas in Zemindaris and whole inam billages.

Submitted it would be much better to let this question alone until the Tenancy Bill is passed when it will be possible to compel the survey

Yes, Legislation is necessary. There will be many cases in which L.F. B^d & Municipalities cannot prevent encroachments but there will be many more in which they can; and more still in which Zamindars and inamdars will abstain from encroachments because of the fear that action will be taken against them.

(Initd) J. G.

I don't think the matter should be so deferred. Legislation will improve the situation at once & enable full advantage to be taken at once of any surveys. Under the Tenancy Bill, Govt. will probably

probably take power to order surveys; but it won't compel the survey of Zemindaris unless this is required for the purposes of the Bill. The Eligianajagam Municipality, circumstances in which prompted this reference, will soon be surveyed like all other municipalities.

(Init^d) J. G.
11/9/97.

(Init^d) H.B. 15/9/97

(Init^d) A.E.H.
3/11/97.

Survey of Zemindaris. Without proper survey it seems impossible to arrive at any satisfactory conclusion in the matter.

(Initd) G. S. 9/9/97.

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189

CURRENT No. _____

ENCLOSURES TO C. No. _____

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LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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[L. & M.]
28
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LOCAL AND MUNICIPAL DEPARTMENT.

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190

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