

Legislative (1898) Department.

Ordinary MS.

G.O. No. 69

G.O., No. 69

DATED 31/10/98.

[Despatch]

Abstract.]

Re: *provision in the subject of introducing from trading estates for the use of land in their markets.*

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at

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§ 112 of the Bill of 1897 Flag E

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consideration

Flag H

Flag A
(a' conf. scil. cora)

Persons using long established
within their shapes.

The answer of the Select Committee of 1885 was a decided negative. Their reasons ~~are~~ were as follows: Porombake is not his own. "On this question we beg to observe that an enactment to regulate the relation of landlord and tenant seems to us to be hardly a proper place to regulate the fees to be paid to the owner of land by traders using it for markets once a week or so. In our opinion, the matter is one dependent solely on the mutual consent of the parties concerned. It is obvious that a Government has no right to compel anyone to use his land

for the purpose & to pay for it. If, however, it is considered desirable, in the interests of trade, to provide for suitable

Laque. If the land is the Laquidair's own (and village Laquidair is not his own) he cannot be restrained, without an unnecessary interference with his vested rights, from charging what he pleases for the use of the land. If the land is not his own, it is not his own, but is the property of the Laquidair. Under the regulation of 1802 he cannot charge larger taxes or imposts merely because a market is held within the bounds of his estate.

No intervention in the part of the Government is to be made in the partition of the land. The called for

S. L. 12/10/8

Order no 69 of 31.10.98
Res. Dec.

(From S. L. 12/10/8)

"available for periodic
markets in proprietary
estates, there is, as pointed
by the Board themselves
adequate legislative
authority" for the acquisition
of the required land and
for its appropriation
to that purpose under the
direction of the Local
Board."

The Govt of 1893
apparently accepted
this view, for Sec 129^x
of the Bill of 1893 ^{follows} contains
no reference to the
point.

In the first place
it is against the Landowner
interest to curb local
markets by imposing
exorbitant fees.

In the second place,
Landowners are so situated
to take advantage of their
monopoly of suitable
sites as to charge exorbitant
therefor, the door

Leasehold Bill
Select Committee

HT
76 9 88

Note for the assistant Secretary.

There is no G.O. of 1893
what is referred to by the Secretary
G.O. No. 747. L. 7. D. 1 July 1893 refers
to the G.O. No. 2394 L. below
+ which G.O. is apparently in the
Confidential cover.

If the G.O. of 1893 is meant, ~~the~~ the
affair will be written to for space as
with the word 'Confidential' unprinted or
distributed to select committee members
with the least possible delay.

W.H.
27/9/98

of the Select Committee

at

27/9/58

I think it will be
to bring the points to
notice of members
in charge, after
checking with Bill.
Please draft.
27/9/58

NOTE FOR THE MEMBERS IN CHARGE OF THE
TENANCY BILL.

In G.O. No. 459, Revenue, dated
10th June 1880, Govt. agreed with the
Board of Revenue on the following points:-

- (1) that neither the Zamindar of
nor the Poligar of Marungapuri
has the right, claimed by them, to
collect fees in markets within their
estates;
- (2) that Zamindars have the right, in
cases in which they allow fairs mar-
kets etc. to be held on their own
lands, to levy fees from persons using
them as ground rent; and
- (3) that, with reference to the pro-
posal of the Poligar of Marungapuri to
start a new fair at Kallupatti, there
is no objection to the levy of reason-
able fees, based on the extent of accom-
modation afforded to the traders.

2. The question raised by the
Board of Revenue in para. 6 of its re-
solution read in the above G.O. viz.
whether Zamindars should not be res-
trained from exacting exorbitant fees
for the use of land in their estates
for holding markets - was referred to
and considered by the Select Committee
appointed for the Tenancy Bill in 1885
but that Committee thought that legis-
lation on the point was unnecessary.

(Please)

(please see their remarks in para. 48
of their report), ^{accordingly} ~~and~~ Section III of
the Committee's Bill dealing with il-
legal exactions only referred to land-
lord and tenant.

3. In the Bill revised by Govt. in
1893, the section corresponding to sec-
tion III is section 129.

4. When the Bill was again revised
in 1897, an explanation was added to
the section regarding illegal exact
to the effect that "the levy of any
on trees or other tax not included in
the assets on which peshkash of a per-
manently settled estate has been fixed,
is illegal." This explanation was added
for reasons given in para. 64 of the
letter to the Govt. of India Nos. 90 &
Leg., d/ 19th November 1897.

5. The section in question stands
as section 113 in the Bill as intro-
duced in 1898, but does not meet the
question raised in the G.O. of 1886
quoted above, nor does it appear that
any express provision has been made in
the Tenancy Bills, drafted from time to
time to restrict landlords from levying
exorbitant market fees, as suggested in
the Board's Proceedings referred to.

6. It is for consideration whether
it is necessary to make any such pro-
vision in the Bill at present before
the Select Committee.

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1/10/98

To Res Dep^y for

Flay B

Madras Local Board's Act
Sec. 153.

III of the Committee's Bill &

76y D. & 76y E

IE for the Assistant Secretary

The notes may now be recorded,
As the Revenue Dept thinks that
no legislative action is required
on the point

CRN
26/10/98

yes
26/10/98

Submitted to the Secretary
for perusal

CRN
28/10/98

yes
28/10/98