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Legislative (1899) Department.

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[Despatch Abstract.]

Malabar Compensation for Tenants' Improvements Bill
Communicating to the Select Committee on the
the remarks of the Ishwari Das of Calicut
on the Bill

14/3/88

BACK PAPERS.

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Government (1899) of Madras. LEGISLATIVE.

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G.O., No. 35, 14th March 1899.

MARCH.

Malabar Compensation for Tenants' Improvements Bill.

Communicating to the Select Committee on the — the remarks of the Tahsildar of Calicut on the Bill.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

From M.R.Ry. K. KRISHNANUNNI NAIR, Tahsildar, to the Collector of Malabar, dated Calicut, 14th February 1899, Ref. on C No. 1690-R.—C. and D. of 1898.

With reference to your memorandum, dated 26th December last, Ref. on C. No. 1653 B. and G., and in continuation of my report, dated 3rd ultimo, Ref. on C. No. 1690-R., I beg to report the following on the "Bill to secure to tenants in Malabar district compensation for improvements".

2. From the Statement of Objects and Reasons I find that the present Bill is introduced in order to secure to the tenants in Malabar the market value of improvements when they are ejected from their holding which Madras Act I of 1887 has failed to secure and to rectify several other defects observed in its working.

3. Three ingredients are required to make the improvements, viz., (1) land, (2) labour and (3) capital. There can be no improvement without land. Therefore the first and chief element is the land. Consequently one-third of the market value at least should go to the owner of the land. If not, probably, there can be no inducement for a janmi to lease out his land for cultivation—a matter which, in the long run, may tell upon the wants of future generation.

4. The defect in the working of the Act cannot be remedied unless and until efficient hands are appointed as Commissioners to value the improvements, and the Judges are directed to inspect at least 10 per cent. of the cases in which Commissioners do not agree. At present the success may be said to depend upon, in many instances, the amount spent by the party to gain over the Commissioner.

Section 4 (1).—To this the following words may be added: "and which is not inconsistent with the express term of the agreement of letting."

Section 6 (2).—It is really hard to execute the decree against the janmi. For a tenant may, with a naturally expected vengeance, compel him to sell his other lands or even to go to jail for having attempted to get back one of his lands. The tenant is to remain in possession of the land till the compensation decreed is paid.

Section 6 (5).—The tenant should not be paid any compensation for that which is not an improvement under the Act.

Section 7 (6).—When lands are purchased in janmam at 25 years' rent it is really hard to ask the landlord to pay for the improvements at $16\frac{2}{3}$ years' rent. The janmam is a permanent right, whereas the improvement is a perishable and temporary one.

5. The rates adopted by the Special Deputy Collector for acquiring lands for the Calicut-Cannanore Railway are fair and may, without prejudice to either parties, be adopted.

6. If the janmis are allowed to get their janmabhogam to be revised once in twelve years, I am sure eviction suits will be reduced to a large extent.

7. In Palghat taluk waste lands are reclaimed by the tenants who pay a janmabhogam of one parah of paddy for every parah of seed-sowing land. The lands are enjoyed by the tenants without any eviction.

Submitted to the Secretary to Government, Revenue Department, in continuation of this office Ref. No. 1653 B. and G., dated 25th January 1899.

CALICUT,
6th March 1899.

(Signed) G. W. DANCE,
Collector.

Endt. Mis. No. 981.

Transferred to the Legislative Department for communication to the Select Committee on the Bill.

FORT ST. GEORGE,
9th March 1899.

(Signed) N. E. MARJORIBANKS,
Ag. Under Secretary to Government.

ORDER—No. 35, Legislative, dated 14th March 1899.

Communicated to the Select Committee on the Malabar Compensation for Tenants' Improvements Bill.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Select Committee on the Malabar Compensation
for Tenants' Improvements Bill.

0-98. *Legionnaire*
Revenue (189⁹) Department.

CURRENT No. ⁸³₄₆₆₅

The Collector of Malabar.

Transferred to the Legislative
Department for communication to the
select Committee on the Bill.

(By Order)

Ag. Under Secretary to Govt.

Port St. George)
9th March 1899.)

Ref. on **C**No: 1653/B & G 98.

Dated 6th March 1899.

Received 8/3/99

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SUBJECT.

10

The Legislative Department.

Submitting Calicut Tahsildar's remarks on the Bill to secure compensation for improvements to tenants in Malabar.

Order No. 358 14-3-88

Communicated to the Select Committee

on the Malabar Compensation for Peasants
Improvements Bill 187 299

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14/3/99

728/1870 Select Committee on the Trade Bill for Tenants Imp'd Bitt
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