

Legislative (1899) Department.

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G.O., No. 37

DATED 20. 3. 99

INDEXED.

[Despatch Abstract.]

Communicating to the Select Committee
on the Malabar Compensation for
Tenants Improvements Bill, a
memorial from the Jemries of
the Chirakkal Taluq, Malabar
Sd/-, relating to the above Bill.

24-1-14

BACK PAPERS.

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

FURTHER PAPERS.

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Government {1899} of Madras.
LEGISLATIVE.

Recd.

Regd.

} 1899.

Enclosures

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G.O., No. 37, 20th March 1899.

MARCH.

Malabar Compensation for Tenants' Improvements Bill.

Communicating to the Select Committee on the — a memorial from the janmis of the Chirakkal taluk, Malabar district, relating to the above Bill.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

Petition from VARANAKOTT KRISHNAN Nambudri and others, Janmis of Chirakkal taluk, Malabar district, dated Kavvayi, 25th February 1899.

MAY IT PLEASE YOUR EXCELLENCY,—We, the Janmis of Chirakkal taluk in the district of Malabar, beg to submit this humble memorial for your Excellency's gracious consideration.

We understand that a Bill on the subject of compensation for Malabar tenants' improvements has been introduced by the Hon'ble Mr. Winterbotham in the last meeting of the Legislative Council and that it has been referred to a Select Committee; and we hear with deep concern that there is every chance of the said Bill being passed into law at the next meeting of the said Council.

In case the Bill in question is passed and enforced janmis will never in future part with their lands to tenants with the object of being improved, for the simple reason that the present Bill, in our humble opinion, makes it impossible for the janmis to realise from their lands so much when improved as when not improved. It is against nature to suppose that anybody would like to embark on a losing concern.

Even after the Act I of 1887 has been put into force, the system of letting out lands for making improvements has gone down to an appreciable extent. So that, if the present Bill becomes an Act, there is no doubt that, in due course, the system referred to will completely die away.

Such an extremely undesirable state of matters coming to pass, Malabar may bid farewell to all prosperity. Many will then be left without work. The present poverty of Malabar will be increased ten-fold. And the collection of Government revenue will be accompanied with good deal of difficulty.

We, therefore, beg to submit, as our firm conviction, that the Bill under consideration would, in effect, be injurious to all the parties concerned and that to pass such a Bill is unjust.

The oft-recurring Mappilla outbreak is not, as a matter of fact, due to agrarian discontent. It recurs only in the taluks of Ernad and Walavanad. An immense number of Mappilla inhabitants there is in other taluks of Malabar and an equally immense number of janmis also. It is never heard that a single outbreak of the kind has ever taken place in those taluks. But in the taluks of Ernad and Walavanad there exist in special certain teachers of Islam, not existing in other taluks. They teach their co-religionists that certain extraordinary heavenly enjoyments would be theirs, who either kill the Hindus and other infidels or are killed in fight with them and who destroy temples and images. This practice of teaching was handed down to them from the time of Tipu Sultan. Mappilla risings are never known to happen without the knowledge of, and promptings from these teachers of Islam. And it is a fact known to Government itself that the outbreaks subside on the intervention of certain Koyas and Thangals in the affected taluks.

Hence, we venture to assert that it is impolitic in the extreme to suppose that the Bill about to be passed would, in the least, go to diminish, far less to put a stop to those Mappilla outbreaks.

That the Mappillas of Malabar are, to a considerable extent, illiterate goes without saying. So that, what the Government, in our humble opinion, ought to do is to take measures to educate them and teach them many kinds of useful work by establishing technical schools. And if the Government would only come forward with such an object, we doubt not that the janmis and rich men of Malabar would gladly lend, as far as possible, their warm support in furtherance thereof.

The Hon'ble Mr. Winterbotham in the course of his speech for introducing the Bill in question expressed that the English Judiciary in those good old days of Malabar administration went wrong in having given the janmis of Malabar complete right over their lands, inasmuch as they erroneously based those decisions on their impressions regarding freehold in England. But he has failed to quote any authority in support of so bold an assertion. In fact, those English Judges did so quite in accordance with the customary law that prevailed in Malabar, with which the English law in the particular instance happened to agree.

In the same speech the Hon'ble Mr. Winterbotham has admitted the fact that the janmis of Malabar raised rents and renewal fees in the same way as the landlords in many other parts of the world did, but that the tenants of Malabar, on the other hand, enjoyed privileges such as are not enjoyed by the ryots holding from proprietors in other parts of the Presidency.

Under these circumstances, the present Bill seems to your Excellency's humble memorialists to be quite inequitable.

The Hon'ble Mr. Winterbotham seems also to find fault with the Judges, in that they put different constructions on Act I of 1887 and award compensations in various ways of more or less doubtful justice. The present Bill, we understand, is, therefore, intended to remove that evil by fixing once for all the amount of compensation to be awarded in particular instances. The fertility of the lands in Malabar is different in different parts thereof. Consequently the labour and money to be used in raising improvements would likewise differ in amount. So that, the compensation to be paid cannot but vary accordingly. We beg to submit, therefore, that the Bill in question would prove unworkable.

The Bill professes to be an amendment of Act I of 1887. But it is really a complete re-casting of the said Act. The Act I of 1887 has been passed after duly appointing a commission consisting also of many well-known janmis of Malabar. So that, to pass the present Bill so hastily as this, on the ground that it is only an amendment of Act I of 1887, would be unjust.

For the foregoing reasons, we humbly pray that your Excellency may be graciously pleased to see that the Bill in question is not passed at all or that it is passed only after duly appointing a commission including also an adequate number of the janmis of Malabar. In this hope and confidence, we beg to subscribe ourselves.

ORDER—No. 37, Legislative, dated 20th 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.

24-1-11
Legislative
Ecclesiastical (1899) Department.

CURRENT No. 87

From

H. A. S. Esquire J.C.S.
Private Secretary to
H.E. the Governor.

No.

Order 37 of 20.3.99
P.S.

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

Dated 14th March 1899.

Received 17.3.99
Registered

Enclosures "

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SUBJECT.

The Select Committee on the Malabar Compensation for Tenants' Improvements Bill. Transfers a petition dated 25 February 1899 from the Jemries of Chirakkal Taluk Malabar District, praying that the Malabar Tenants' Improvements Bill may not be passed.

17/3/99
Note.

The receipt of this communication will be reported at the next Council meeting - See Council Rule 58

By order

H. A. S.

Private Secretary.

V. V. Krishna Rao

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

In this hope and confidence, we beg to subscribe ourselves,

Your Excellency's
most obedient and humble
servants,

- X Varanakkott Krishnan Nambudiri (No. 1. below)
2. Thazha Vattaparambilla Naresimhan Embroidiri (No. 2 below)
3. Varikara Patinjara Vettil Chandu Nayar (No. 3. below)
4. Narayana mangalattilath Narayanan Embroidiri (No. 4 below)
5. Meethala Vattaparambilla Sankaran Embroidiri (No. 5 below)
6. Thazha Vattaparambilla Thirumunpu (No. 6. below)
7. Kumjimanalath Mathavam Thirumunpu (No. 7. below)
8. Channamangalath Gwaran Nambudiri (No. 8. below)
9. Palatt Azakan Boiyodi (No. 9 below)
10. Vangatt Varu Unithiri (No. 10 below)
- X
11. Vatakatt Muthadam Sridharan Nambudiri (No. 11 below)
12. Supradakan Kamaran Nayar (No. 12. below)
13. V. V. Krishnan Nayar (No. 13. below)

25th February 1899

Kavrayi.

1. ...
2. ...
3. Varikara Patinjara Vettil Chandu Nayar
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11. ...
12. ...
13. V. V. Krishnan Nayar

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189

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87-a

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as given

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