

Legislative (1899) Department.

ORDINARY PRINTED.

G.O., No. 55

DATED 6-5-99

INDEXED.

[Despatch Abstract.]

Madras Tenancy Bill :-

Communicating to the Select
Committee on the Bill Certain Extracts
from the address presented to H. E. the
Governor during his ninth tour
by the Landholders in the Trichinopoly
on the subject matter of the Bill

T. 6.5.99

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1899} of Madras. LEGISLATIVE.

Recd.

Regd.

} 1899.

Enclosures

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G.O., No. 55, 6th May 1899.

MAY.

Madras Tenancy Bill.

Communicating to the Select Committee on the — extract from the address presented to His Excellency the Governor during his ninth tour by the landholders in the Trichinopoly district, on the subject matter of the Bill.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

Extract from the address presented to His Excellency the Governor during his ninth tour by the landholders of the Trichinopoly district.

The next subject to which we invite Your Excellency's attention is the Madras Tenancy Bill. It is not possible for us here to discuss at length the several principles enunciated in the Bill, but we will content ourselves with bringing to Your Excellency's notice and kind consideration some of the provisions which, if retained, would seriously affect the vested interests of the landholders—

Firstly, there does not seem to be any reluctance on the part of the proprietors, at least of these parts, to recognise the existence of occupancy rights in tenants who have been in possession of lands for a long time. But the creation of occupancy rights under several clauses of section VIII is what they consider to be an encroachment on ryot, the procedure laid down as regards the enhancement of rents even in ordinary circumstances, the commutation of rent in kind into money rent without the consent of the proprietor, and making it impossible for the landlord and the tenant to enhance the rent by mutual contract are provisions which are highly prejudicial to the interests of the proprietor.

Secondly, the introduction of a new class of tenants as non-occupancy tenants with special privileges for them will seriously hamper the free exercise of the proprietors' choice in the leasing out of unoccupied lands to persons as they like. The recognition of rights on behalf of the leaseholders under ryotwari landholders, after the expiration of the period of the lease, is equally objectionable. The power of summarily ejecting these, if their rents fall in arrears or if the terms of the leases granted to them expire, should find a place in the Bill.

Thirdly, the tedious process of the exchange of pattas and muchilikas once in a year may be dispensed with; and pattas once given may hold good as long as the conditions mentioned therein remain unaltered.

Fourthly, the extraordinary procedure mentioned in chapter VIII, allowing the tenants to have the repairs executed by applying to the Revenue Divisional officers at the expense of the proprietors, without their knowledge, cannot but be productive of enormous evils to the latter. The proprietors should be first asked to attend to the reasonable request of the ryot.

Fifthly, the decisions of the Revenue officers in some cases, as under chapter III, are made final. It will be wholesome if in all suits decided by these officers under this Act appeals are allowed to the District Court.

Sixthly, section 162 is against the principles of the Law of Contract. It is not to be presumed that the landlords generally will act against the interests of the tenants.

These are the few points that we wish to lay before Your Excellency in connection with this matter, with the humble request that the Bill will be so modified as to suit the requirements of both the parties concerned and not unjustly curtail the already crippled rights of the proprietors, who are admittedly the weaker party at least in these parts.

ORDER—No. 55, Legislative, dated 6th May 1899.

Communicated to the Select Committee on the Madras Tenancy Bill.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To the Select Committee on the Madras Tenancy Bill.

D.O. No 73 of 1828

To the Under Secretary

In their address presented to H.C. the Govt during his 9th tour, the Landholders of the Trichinopoly Dt suggested certain amendments to be introduced into the Madras Tenancy Bill. In reply H.C. stated that they would be referred to the Select Committee in pursuance of a Standing order of the Legislative Council and that due consideration would be given to them. It has been ascertained that the tour minute in question has not been communicated to the Legislative Dept for the necessary action being taken with reference to the above point. It is submitted that the question may be remitted to that Dept for necessary action.

Page 628-630 of the vol put-up.

Page 636 of the ~~four minute~~

First amt. -
I am not quite sure what is the
stage in which the Bill is - but
I suppose a Select Committee is
still sitting on it - if so put up
under the Comm. Committee
book to the Committee
refer to pages marked
19-4-99

8921 8 67 ad 0.6

Read extract from the address
presented to His Excellency the Governor
during his ninth tour by the Landholders
to the Taichingpo District.

matter
marked
Wp 628-630

Order no. 5 d/6-5-99

PS Communicated to the Select.

Committee on the Land Revenue
Bill.

also
28/4/99

Wp 99

Wp 628-630

The Select Committee on the
Madras Finance Bill

27/4/99

for
need

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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

N.B. -

A = Print in full.
B = Not to be printed.
F = Print abstract only.
O = Print heading only.

Order complete.
Letter only.
Order complete with Letter.

4-6-38 11.5

Government {1899} of Madras.
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GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

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Secondly, the introduction of a new class of tenants as non-occupancy tenants with special privileges for them will seriously hamper the free exercise of the proprietors' choice in the leasing out of unoccupied lands to persons as they like. The recognition of rights on behalf of the leaseholders under ryotwari landholders, after the expiration of the period of the lease, is equally objectionable. The power of summarily ejecting these, if their rents fall in arrears or if the terms of the leases granted to them expire, should find a place in the Bill.

Thirdly, the tedious process of the exchange of pattas and muchilikas once in a year may be dispensed with; and pattas once given may hold good as long as the conditions mentioned therein remain unaltered.

Fourthly, the extraordinary procedure mentioned in chapter VIII, allowing the tenants to have the repairs executed by applying to the Revenue Divisional officers at the expense of the proprietors, without their knowledge, cannot but be productive of enormous evils to the latter. The proprietors should be first asked to attend to the reasonable request of the ryot.

Fifthly, the decisions of the Revenue officers in some cases, as under chapter III, are made final. It will be wholesome if in all suits decided by these officers under this Act appeals are allowed to the District Court.

Sixthly, section 162 is against the principles of the Law of Contract. It is not to be presumed that the landlords generally will act against the interests of the tenants.

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