

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 4th May 1888, No. 407 :—

H. S. THOMAS, Esq., F.L.S., F.Z.S.

J. H. GARSTIN, Esq., C.S.I.

W. WILSON, Esq., M.A.

J. GROSE, Esq., M.A.

Read—the following G.O., dated 24th October 1887, Mis. No. 1002, Revenue :—

Read—Proceedings of the Board of Revenue (Land Revenue), dated 28th July 1887, Mis. No. 2195, and No. 2648, dated 19th August 1887.

Order—dated 24th October 1887, Mis. No. 1002, Revenue.

The following remarks and suggestions are made in connection with the proof of the first chapter of the revised compilation of the Standing Orders submitted by the Board with the first of their Proceedings read above :—

- (a) *Standing Order No. 2, paragraph 3.*—The concluding portion of this paragraph within quotation marks seems to conflict with the last sentence of paragraph 2 of the present Standing Order No. 2. The authority for the alteration now made is not quoted at the foot of the order.
- (b) *Standing Order No. 11, paragraph 8.*—In the third sentence the statement that the compensation to be paid for the melvaram right of an inamdar is to be calculated at 20 times the *quit-rent* seems to be erroneous. There appears to be also a conflict between the rule laid down in this sentence and that in the concluding portion of paragraph 3.
- (c) *Standing Order No. 11, paragraph 13.*—The first sentence of this paragraph seems to require modification with reference to G.O., dated 9th May 1887, No. 443.
- (d) *Standing Order No. 16.*—This order requires modification with reference to G.O., dated 20th September last, No. 916.
- (e) *Standing Order No. 21.*—This appears to require modification with reference to G.Os., dated 1st and 26th February 1886, Nos. 71 and 157, respectively.
- (f) *Standing Order No. 30, paragraphs 23—25.*—These have been revised by G.O., dated 30th August 1887, No. 854.
- (g) *Standing Order No. 30, paragraph 32.*—It is believed that there is a special procedure for Tanjore as well as Chingleput.
- (h) The dates fixed for relinquishing lands in the districts of Anantapur and Nilgiris have not been inserted in the appendix to Standing Order No. 31, paragraph 2. It is presumed that the dates are the same as those for Bellary and Coimbatore, respectively, in which the first-named were included.
- (i) *Standing Order No. 32, paragraph 1.*—The concluding sentence of this paragraph seems to conflict with the concluding sentence of paragraph 2 of Standing Order No. 34.

2. The Government desire that the number of the chapter and of the order should be given at the top of each page of the book as is done in Mr. Dalrymple's edition, and that the index should be much fuller and more carefully drawn than it is in the present edition, the plan followed in which is most unsatisfactory. It is presumed that there will be one index for the whole volume and not one for each chapter.

3. A clerk on Rs. 25 for a period not exceeding six months is sanctioned for the preparation of the index. It is presumed that this charge can be met from savings in the current year's budget.

4. The Government consider that the volume of the Standing Orders may be issued by the Board on their own responsibility, taking care that where alterations are made in the rules prescribed by Government now in force, their sanction is specially obtained for them.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.

Resolution—dated 4th May 1888, No. 407.

Paragraph 1 of the Government Order.—With reference to clause (a), on further consideration, the Board resolve to substitute for the concluding sentence of paragraph 3 of the revised Standing Order No. 2, which, as originally submitted, was as follows:—

"In surveyed and settled districts applications to have land remeasured should be invariably rejected," the following:—

"(i) In surveyed and settled districts, no changes in the recorded areas of fields that have been surveyed by the professional department are permitted except in communication with that department.

"(ii) In the case of interstitial fields, the measurements of which were made by the Settlement Department or by the Revenue officers of the district and the areas recorded in the settlement registers, the Collector shall refer the question for the orders of the Board of Revenue in the Settlement Department.

"(iii) In the case of interstitial fields, the measurements of which were made under the orders of the District officers and the areas recorded in the village register A, the Collector or the Divisional officer concerned shall dispose of the matter."

With this alteration, the revised standing order no longer conflicts with the concluding sentence of the present standing order.

2. Referring to clause (b), the Board beg to submit that they have found it necessary to revise paragraphs 3, 6, 7 and 8 of Standing Order No. 11. They have had under consideration the unsatisfactory nature of the rules prescribed in Standing Order No. 11 for estimating the market value of the land to be taken up under Act X of 1870, in cases where such value is not capable of being ascertained with exactness. There is a discrepancy between the value taken for inam lands and zemindari lands. In the case of inam lands, the compensation is calculated at ten times the assessment, plus ten times the difference between the assessment and quit-rent. In the case of zemindari lands, it is calculated at twenty times the assessment, minus the peishcush. Obviously the two methods produce different results.

3. There are two main elements which have to be considered in estimating the compensation which ought to be given, viz., (a) the loss sustained in regard to the occupancy right in the land taken up, that is, generally the loss of profits from the cultivation of the land, and (b) the loss sustained in regard to the right to melvaram (or the Government share of the produce) where such a right has been partially or wholly alienated. In the case of ryotwari land, it is the value of the occupancy right only which requires to be estimated. In zemindari and in the various kinds of inam lands, the value of the right to melvaram must also be included, since, in these lands, the Government have alienated, partially or wholly, their right to the melvaram which in ryotwari lands they have retained intact. So far as the zemindar or inamdar is concerned, it makes no difference whether he has the melvaram right alone or has also the occupancy right, since the compensation is to be calculated with reference

to the actual or estimated rental of the land taken up; but where the zemindar's or inamdar's tenant has the occupancy right, it must be separately compensated for. The standing order does not clearly specify this difference, and it lays down that the compensation should be calculated with reference to the assessment of the lands, whereas it ought to be calculated with reference to their rental, the term assessment being inapplicable to the rents derived by zemindars and inamdars. To rectify this defect is the first object of the changes which the Board now propose to make in Standing Order No. 11.

4. The second object is to render the rates of compensation more equal and equitable. The value of the occupancy right is under the present standing order taken to be equal to ten times the assessment on the land. The Board have been unable to ascertain the grounds on which this calculation was adopted. It appears to have been the practice in the Godavari district for many years past, but the rate first finds a place among the standing orders in Dr. Maclean's edition. It may be that the ryot's income was supposed to be equal to the assessment, and that if he invested his compensation money at 10 per cent. (a reasonable rate), he would receive in interest an income equal to that lost by the expropriation of his land. The Board believe, however, that though in theory the assessment is equal to one-half of the net profits of the land, yet in fact it is represented by a much smaller fraction. This is especially so in the case of garden and other lands which have been permanently improved. Again the Board doubt whether a ryot can, with equal security and with certainty, invest his money at the moment he gets into possession of it at 10 per cent. For these reasons and also as the result of long experience of the actual working of the rules, the Board are satisfied that the present rate of compensation is inadequate. It is observed that the rate prescribed for redemption of inam quit-rents is twenty years' purchase and that for redemption of land assessment twenty-five years' purchase. The rates prescribed for ryots should be lower, but the lowest that the Board can recommend is fifteen times the assessment and even this is insufficient in the case of garden lands. The present rule, it is true, purports to apply only to estimates, but it naturally becomes also the rule as to actual payments. The Public Works Department estimates framed under it are absolutely wrong as regards garden lands and gives rise to much correspondence and many complications. The work of the compensation officer becomes extremely difficult when he has to decide on giving less than is just, though more than the Public Works Department officer has entered in his estimates as sufficient. It is accordingly suggested that the value of these should be estimated as equal to fifteen times the average net income derived from them.

5. The value of the right to melvaram is valued, under the present rule, at twenty times its amount. This appears to the Board to be as much in excess of what is necessary as the compensation for the occupancy right is deficient. Having regard to the high rates of interest ruling in this country, the Board see no reason to doubt that fifteen times the amount of melvaram will secure an income in interest equal to that lost by the deprivation of the melvaram.

6. To give effect to these views, and to render clearer the provisions of paragraphs 6 and 7, the Board propose, with the sanction of Government, to amend Standing Order No. 11 as follows:—

(a) Omit the third sentence of paragraph 3 and substitute the following:—

"When this is not ascertainable, the value in the case of ryotwari lands shall, for the purpose of compensation, be calculated at fifteen times the assessment, unless the land has been permanently improved when it should be calculated at fifteen times the net income derived from it. In the case of inam or zemindari lands, the value of the lands taken up should, so far as the zemindar or inamdar is concerned, be calculated at fifteen times the difference between the actual or estimated rent and the proportionate peishcush or quit rent on the land. If a ryot has the occupancy right, he should receive a separate compensation calculated at fifteen times the rent he pays to the zemindar or inamdar. Besides the compensation calculated as above directed, the zemindars and inamdars will be entitled to a reduction of their peishcush or quit-rent, the amount to be deducted bearing the same proportion to the rental of the lands taken up as the whole amount of peishcush or quit-rent bears to the total revenue of the estate."

(b) Substitute the following for paragraph 7 and number it as 4, existing paragraphs 4, 5 and 6 being numbered as 5, 6 and 7:—

"In the case of waste lands taken up in zemindaris and inams, compensation should be granted and the proportionate peishcush or quit-rent calculated with reference to the present value of their estimated rental. This present value is to be determined by first estimating the rental with reference to the rates of similar lands under cultivation and then applying to it the proportion given in the second column of the appendix corresponding to the number of years within which the lands taken up are likely to come under the plough. If, however, it is not possible to estimate the number of years with any degree of accuracy, the present value of the rental may be fixed at half its estimated amount."

In the appendix to this paragraph for "order 11, paragraph 7," substitute "order 11, paragraph 4"; for "Rates for deductions in peishcush" substitute "Rates for determining the present value of the rental"; for "Proportion taken up" at the heading of column 2, substitute "Proportion which the present value of the rental bears to the estimated rental."

(c) Omit paragraph 8, and the first line and the first three words of the second line of paragraph 6 and begin paragraph 6 (rearranged paragraph 7) thus:—

"Reduction of peishcush or quit-rent, not being a form of compensation recognized by the Land Acquisition Act, the Collector, when he refers a case of compensation for the determination of the District Court, will state as the amount he is prepared to give, the amount calculated as prescribed in paragraph 3. When, however, the award under the Act has been determined, compensation may. . ."

(d) Alter the numbers given to paragraphs 9 to 15 into 8 to 14.

(e) In the appendix to paragraph 9, for "paragraph 9" substitute "paragraph 8" and add as paragraph 17 the following:—

"The procedure to be observed when lands are acquired by private negotiation should follow the lines of that laid down above for acquisition under the Act, i.e., the officer who settles the price, &c., should draw up the form A as in the case of an award: and this should be made the basis of subsequent payments and audit."

8. The alterations indicated in paragraph 1 (c), (d), (e), (f) and (h) have been carried out in the respective standing orders. As regards paragraph 1 (g) it does not appear that there are any special durkhast rules for Tanjore. The presumption made by Government in (h) as regards the dates of relinquishment is correct and the conflict pointed out in (i) has been reconciled by altering paragraph 1 of Standing Order No. 32 so as to bring it into accord with the concluding portion of paragraph 2 of Standing Order No. 34.

9. The Board have also modified S.O. No. 7 with reference to G.O., dated 4th May 1887, No. 425.

10. Paragraph 2 of the Government Order.—The desire of the Government has been complied with in the heading of the pages. Regarding the preparation of the index, the Board have separately reported to Government in their Proceedings, dated 3rd February 1888, Mis. No. 956.

11. Paragraph 3 of the Government Order.—The pay of the indexer can be met from general savings.

12. The alterations detailed above have been carried out in the copy herewith submitted; and, with the approval of Government, the Board propose to proceed to issue the chapter, which is now complete.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with two copies of Chapter I of the
Standing Orders (sent separately).

Copy to Rai-Bahadur P. Chentsal Rao Pantulu Garu.

ORDER—dated 5th September 1888, No. 631, Revenue.

Land Revenue, No. 69.

The Board's proposals for the amendment of S. O. No. 11 are approved with the following modifications:—

- (i) The melvaram right in the case of zemindari and inam lands should be valued at 15 times the assessment or paimash rate, or if no such rate has been fixed, the rental, as the zemindars and inamdars are not entitled to levy more than the survey or paimash rate, where such has been fixed. The same rule applies to the valuation of occupancy right also.
- (ii) A clause should be inserted pointing out that, under section 42 of Act X of 1870, the compensation payable is 15 per cent. above the market rate, in cases in which lands are taken up under the Act.

2. Chapter I of the Standing Orders may now be issued as proposed by the Board.

(True Extract.)

(Signed) C. A. GALTON,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.

Exd. P. L. Pereira.

45 Copies.

Gobt. of {1888} Madras.

REVENUE.

*Ms. No. 2
11/5/88*

Issued.

Recd.

Encl.

G.O., 5th September 1888, No. 631.

SEPTEMBER.

Standing Order No. 11.

Approving, with certain modifications, the proposals of the Board for the amendment of —.

BOARD OF REVENUE (LAND REVENUE), 19TH SEPTEMBER 1888, No. 806.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

H. S. THOMAS, Esq., F.L.S., F.Z.S.

W. WILSON, Esq., M.A.

THE HON. W. S. WHITESIDE.

RESOLUTION—dated 19th September 1888, No. 806.

The following sentence will be added at the end of paragraph 1 of the proof to the revised Standing Order No. 11:—

“In this case, 15 per cent. of the market-value of the land has to be paid in addition to the amount of compensation awarded in consideration of the compulsory nature of the acquisition, as provided in section 42 of the Act.”

2. The second and third of the sentences proposed to be substituted for the last sentence of paragraph 3 of the same Standing Order will be amended as follows:—

“In the case of inam or zemindar lands, the value of the lands taken up should, so far as the zemindar or inamdar is concerned, be calculated as follows: if the land bears a survey or pymash assessment, at 15 times the difference between that assessment and the proportionate peishush or quit-rent on the land; if the land bears no such assessment, at 15 times the difference between the rental and the proportionate peishush or quit-rent on the land: in the former case, if the zemindar or inamdar has the occupancy right, this should be separately calculated at 15 times the assessment; in the latter case, there will be no need for any such separate calculation, since it will have been already included in the rental. If a tenant has the occupancy right, he should receive a separate compensation, calculated at 15 times the assessment, if there is one, or at 15 times the rent he pays to the zemindar or inamdar, if there is not one.”

3. At the end of paragraph 2 of the proof to the revised Standing Order No. 5, the following sentence will be added:—

“And a condition should be inserted in all tree-pattas granted in future that they are liable to be cancelled when the land is granted on patta.”

And at the end of paragraph 6, the following will be added:—

“But if the tree-tax exceeds the land-tax, the durkhast for the land should be refused.”

4. The Honorable Mr. P. Chentsal Rao will be requested to arrange for issuing the first chapter of the revised edition at an early date.

(A true Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Honorable Mr. P. Chentsal Rao, C.I.E., with copy of
Board's Proceedings, No. 434, dated 16th May 1888.

Copy to the Secretary to Government, Revenue Department.

Exd. W. J. Lewis.

REVENUE DEPARTMENT.

1888.

Board of Revenue

(Land Revenue),

MADRAS.

11/15/88

Printed October 15th.

Proceedings, 19th Sept. 1888, No. 806.

Making certain additions to chapter I of the revised edition of the Board's Standing Orders; and requesting the Honorable Mr. P. Chentsal Rao to arrange for the issue of the same at an early date.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

copy attached.

Read

*Proceedings of the
Board of Revenue (Land Revenue)
dated 19th September 1888 No. 806.*

Order thereon 29th October 1888, No. 6437

Recorded.

1/2m Extract

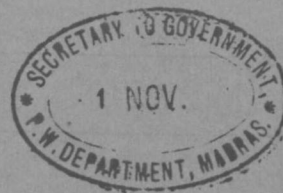
Chatterjee & Co.

To

The Comptroller of Land Revenue.

" Public Works Dept. with

*a copy of G.O. 631
5.9.88.*



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