

- (1) பக்கங்களின் எண்ணிக்கை 8
 (2) புதுக்கித் திருப்பிய நாள் 4/90
 (3) ஆதாரங்குறிப்பவர் கருக்கொப்பம் 10/90

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P. M. S. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண். <u>3297</u>	அச்சகம் பலவகை
நாள் : <u>12.12.1890</u>	198

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

S. S. S.

3287
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PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

MR. H. W. BLISS.
MR. W. S. WHITESIDE.

READ—the following letter from C. E. PLUNKETT, Esq., Deputy Collector of Madras, to the Collector of Madras, dated 28th August 1890, No. 964:—

I have the honor to request the favor of your instructions as to the procedure that is to be adopted in the following case.

2. Land bearing survey No. 3379 in Tondyarpatt division, No. 8, measuring 9 grounds 317 square feet, once a private property, was bought in by Government in 1871 on an auction sale for arrears of revenue and has since continued to be the property of Government. One Arumuga Nattan, who owns the adjoining field survey No. 3380, has encroached upon the land and grown casuarinas over its whole extent, and the trees are reported to be four years old now. On receipt of this information, the Tahsildar twice summoned the man to call upon him touching the encroachment, but though both the summonses were duly served on him, he has failed to honor them, and I have directed the Tahsildar to prosecute him therefor.

3. Paragraph 5 of Standing Order No. 16, revised edition, withdraws the power of imposing prohibitory assessment except on lands reserved for public purposes, and I have also ascertained that the land in question is not within half a mile of any railway station. The order directs that an unauthorized occupation should be treated as under the darkhast rules, and that ordinary assessment should be imposed in such cases. This will, it occurs to me, greatly prejudice the interests of Government in this district, as the darkhast rules do not apply here and all land is to be bought at public sales.

4. I enclose copy of the Tahsildar's report in this matter, No. 132, dated 25th instant.

ENCLOSURE No. 1.—Tahsildar's letter.

Endorsement by G. McWATTERS, Esq., Collector of Madras, dated 9th September 1890, Reference on No. 2894.

Submitted to the Board for favor of early orders.

2. It has been ruled that the darkhast rules are inapplicable to this district, and that all lands should be sold by public auction to the highest bidder with the sanction of Government—*vide* the marginally-noted papers.

G.O., No. 317, Rev. dept., 26th March 1873.
Board's Procs., Mis. No. 8380, 17th Dec. 1872.
G.O., No. 419, 22nd April 1873, Rev. dept.

3. As the rules at present stand, it seems to the Collector that the only course left to recover possession is to file a suit in the Court of Small Causes for ejectment. If the trespass is acquiesced in the usual quit-rent may be charged.

The Collector, however, should be empowered to impose prohibitory assessment in such cases.

RESOLUTION—dated 31st October 1890, No. 660.

G.O., dated 11th September 1890, No. 727, in Board's Proceedings, dated 23rd idem, Mis. No. 6114, will now be communicated to all Collectors. Under paragraph 2 of that order, the Collector of Madras may impose prohibitory assessment in the case brought to notice.

2. Paragraph 5 of Standing Order No. 16 will be amended by the insertion of the words "or for sale on behalf of Government," after the words "for public purposes" in the first sentence.

3. Copy of these proceedings will be submitted to Government for information.

4. The Board approves the prosecution of Arumuga Nattan for disobeying the Tahsildar's summonses.

(A true Copy and Extract.)

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

(True Extract.)

(Signed) C. CLARK,
Registrar.

To the Collector of Madras,
" all other Collectors.

Copy to the Secretary to Government, Revenue Department.

APPENDIX.

PROCEEDINGS of the Board of Revenue (Land Revenue), dated 23rd September 1890, Mis. No. 6114.

Read—the following G.O., dated 11th September 1890, No. 727, Revenue:—

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 9th July 1890, No. 406:—

MR. H. W. BLISS.

MR. W. S. WHITESIDE.

Read—the following letter from C. F. MacCARTIE, Esq., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 14th March 1890, No. 124:—

Paragraph 8 of G.O., dated 22nd July 1886, No. 611, Revenue Department, which enunciates the general principles for the revenue settlement of South-east Wynaad, runs as follows:—

"Forest lands should not be given on darkhast, but should only be sold under the waste land rules; and the existing exemptions from assessment for three and five years in the cases of coffee and cinchona should remain in force. House-sites may be allowed free to the extent of 25 cents, any excess being charged at the rate suitable to the class of land."

2. With reference to this quotation, I have the honor to inquire whether I am right in inferring that the order regarding house-sites was not intended to have force only during the time of the revenue settlement, but applies equally to all grants subsequently made. This presumption seems justifiable from the general tenor of the Government order.

3. If the Board is of the same opinion, a definite procedure must be framed for regulating the grants of house-sites in future, because the Government order, as it stands, may be read as authorising the assignment of house-sites in any part of the assessed lands, whether in the holdings of ryots or not, up to a maximum of 25 cents on application from private individuals free of charge. The elasticity of this rule is obviously calculated to create partial inconvenience in working: for instance, as time goes on it may encourage the building of a number of houses here and there on assessed unoccupied lands which would seriously interfere with the occupation of the remainder of the fields for the purpose of agriculture. The custom of the country rather enhances this risk, because the Chetties and other indigenous cultivators like the Malayalis live in isolated houses adjacent to their paddy flats or patta lands unlike the settlers from the low country, who dwell in continuous rows as in the villages of the plains.

4. I would not altogether debar the Malayalis from building homesteads on their holdings, but I would certainly restrict the privilege by limiting the free grant of sites to cases in which the ryots apply for not less than 10 acres of land for agriculture and expressly claim a deduction of 25 cents for house-sites. The area of the free grant need not and cannot be separately marked out, as the ryots live in a part of a field and the laborers under them in another part or parts and are in the habit of shifting their homesteads from place to place, the houses being, as a rule, built of daub and thatch. The grant for house-site of 25 cents may therefore be deducted from the total area of the field applied for.

5. I am further of opinion that the rent-free grant of house-sites in holdings should not be applied with retrospective effect, but confined merely to fresh applications for land; and in such cases where the concession is specifically requested otherwise, the deduction would be annually claimed in case of existing holdings, thus rendering inspection and supervision by the revenue subordinates extremely difficult.

6. The concession of rent-free grants is intended, I presume, to be extended to native ryots only and not to European settlers.

Resolution—dated 9th July 1890, No. 406.

Submitted for the orders of Government.

2. In the foregoing letter the Collector of Nilgiris raises the following questions on the subject of the free grants of house-sites, sanctioned in paragraph 8 of G.O., dated 22nd July 1886, No. 611:—

- (1) Whether the order was intended to have force only during the settlement or applies also to grants of land subsequently made. He presumes that it applies to subsequent grants also, and the presumption is, in the Board's opinion, correct.
- (2) Whether the free extent should be allowed only in the ryot's holdings or in waste also. The Collector considers that it should be allowed only in the holdings, as, if buildings are allowed to be erected in waste land, it may interfere with the occupation of the rest of the land by others for cultivation. The Board concurs in this opinion and would charge prohibitory assessment in such cases with a view to compel the occupants to vacate. For this, the sanction of Government has been already applied for in Board's Proceedings, dated 3rd May 1890, No. 231. The free extent may be allowed in the holdings by deducting it from the extent of the holdings and charging assessment only on the remainder.
- (3) The Collector next proposes to allow the grant of free sites only in cases where not less than 10 acres are newly taken up and where application is expressly made for the free grant of sites. The Board supports this proposal, but would permit the grant to be made to any applicant who has taken up land in the interval since the Special Assistant Collector's settlement. Such cases cannot be numerous.
- (4) The Collector presumes that the order regarding the grant of rent-free sites was intended to apply to native ryots only, and not to European settlers, and the presumption appears to the Board to be correct.

(A true Copy and Extract.)

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

To the Secretary to Government, Revenue Department.

Copy to the Collector of Nilgiris.

" " Secretary to the Commissioner of Revenue
Settlement and Director of the Department
of Land Records and Agriculture.

PROCEEDINGS of the Madras Government, dated 12th July 1890, No. 543, Revenue.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 3rd May 1890, No. 231:—

MR. W. S. WHITESIDE.
THE HON. J. GROSE.

Read—the following letter from C. F. MacCARTIE, Esq., Acting Collector of the Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 20th January 1890, No. 27:—

In paragraph 8 of G.O., dated 22nd July 1886, No. 611, Revenue, which enunciated the principles and methods to be observed in the revenue settlement of South-east Wynaad, it was

laid down that "forest lands should not be given on durkhast, but should only be sold under the waste land rules."

2. During the late revenue settlement of the tract, however, the forest lands in South-east Wynaad were not clearly defined and marked out. Mr. Stuart observes at the end of para. 10 of his report, printed in Board's Proceedings, dated 30th May 1887, No. 104 (Settlement Department), that "all waste lands other than those included in porambokes have been blocked and assessed, and in future will be taken up under the 'durkhast' system except in the case of blocks of Government janmam land assessed at the rate of Rs. 2 per acre, which can only be purchased under the waste land rules."

3. Three pieces of land were recently sold in the South-east Wynaad under the waste land rules, the character of which is mixed as they contain forest interspersed largely with scrub, grass and swamp, the assessment imposed at settlement being Rs. 2 per acre plus janmabhogam at 8 annas per acre. The lands were sold and bought in subject to the payment of the above rates, but the purchasers were informed that the question of their liability to pay janmabhogam will be referred for the orders of the Board.

4. I have the honor to request the instructions of the Board on the following points for guidance in dealing with the three past sales and in future cases:—

(a) Are the settlement rates at Rs. 2 per acre for land revenue and annas 8 per acre for janmabhogam to be required in all cases of waste land sales, irrespective of the character of the lands, *e.g.*, forest, scrub, grass, &c.? The waste land rules, paragraph XIV, prescribe a rate of Rs. 2 per acre of forest land and 8 annas for each acre of land other than forest contained in the lot. All lands sold between the introduction of the above rules and of the revenue settlement were assessed as prescribed in paragraph XIV. The settlement rates are not only opposed to the above paragraph of the rule, but are likely to deter applicants. I would propose that the janmabhogam rate be abandoned and the land revenue at Rs. 2 per acre only retained for all waste land sales, without regard to the character of the land. If this suggestion be approved, paragraph XIV of the waste land rules should be amended accordingly, so far as South-east Wynaad is concerned.

(b) How is unauthorized occupation of lands rated at Rs. 2 per acre at settlement which are declared to be only available for sale under the waste land rules to be checked or prevented. No prohibitory assessment can be imposed in such cases, as the lands are assessed. It appears to me that the difficulty can be met either by conceding the power to impose a prohibitory rate or by recognizing such occupation and assessing it at the full settlement rates including janmabhogam, the value of any trees on the occupied area being also recovered from the occupier. The latter course seems preferable.

Resolution—dated 3rd May 1890, No. 231.

In G.O., dated 22nd July 1886, No. 611, Government, after stating that dry lands in the Wynaad should be divided into four classes with assessments ranging from 3 annas to Rs. 2, and that the highest class assessed at Rs. 2 an acre should comprise the forest land and coffee cultivation, &c., direct that forest land only should be sold under the waste land rules. In paragraph 10 of his report on the settlement of Wynaad, printed in Board's Proceedings, dated 30th May 1887, No. 104, Settlement, the Special Assistant Collector says that blocks of Government janmam land assessed at Rs. 2 can only be purchased under the waste land rules. Although it is not specifically stated in this paragraph of Mr. Stuart's report whether such lands comprise only forest lands or whether they include all dry and wet lands assessed at Rs. 2, it is to be presumed that only dry lands assessed at Rs. 2 are referred to.

2. The Collector will therefore be informed that dry lands classed by the Settlement Department as forest and assessed at Rs. 2 an acre are to be sold under the waste land rules whether they now contain forest or not. The janmabhogam charge of 8 annas an acre is a tax of the description referred to in rule 21 of the rules for the sale of waste lands in Nilgiris and need not be given up. The Wynaad settlement modifies the waste land rules only to the extent that sales of land other than dry lands assessed at Rs. 2 are not now permitted.

3. With reference to the last paragraph of the Collector's letter, the sanction of Government will be asked for the charge of prohibitory assessment as in the case of lands within half a mile of a railway station referred to in paragraph 6 of Standing Order No. 16. The extension of the system of charging prohibitory assessment as a means of ousting any occupier is to be deprecated, but this seems to be a case in which it is absolutely necessary, otherwise persons will

be able to nullify the intentions of Government. No speculator would buy land from which an occupier already in possession would have to be ousted by legal process.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Secretary.

To the Secretary to Government, Revenue Department.
Collector of the Nilgiris.

Order—dated 12th July 1890, No. 543, Revenue.

Land Revenue, No. 34.

His Excellency the Governor in Council concurs in the views expressed in paragraph 2 of the Board's Proceedings, except that he

does not consider that janmabhogam is covered by paragraph XXI of the said rules, as the Board imagines, for it is neither a general tax nor a local rate. It is, at the same time, desirable that this tax should continue to be levied, and it will, therefore, be specially provided for in paragraph XIV of the rules for the sale of waste land in the Wynaad (page 85 of the appendix to the Board's Standing Orders, revised edition). The Standing Order No. 33 should make it clear that the description of land, to which the waste land rules apply in the Wynaad, is the dry land which has been assessed by the Settlement Department at Rs. 2 an acre. Paragraph XIV of the rules should be amended by the excision of the eight-anna rate and an addition should be made, rendering janmabhogam at 8 annas per acre payable in addition to the Rs. 2 rate in the case of all lands, of which the janm right vests in Government.

2. As regards the question raised by the Collector in paragraph 4 (b) of his letter, dealt with in the above Proceedings, the Government accepts the second of the two proposals therein made. The Board's reasons for declaring that the imposition of prohibitory assessment is absolutely necessary are not apparent, and the Government considers that the levy from the unauthorized occupier of full settlement rates in addition to the value of the trees on the land occupied will sufficiently meet the case. Should any question subsequently arise as to mining on land taken up without permission, the rights of Government are amply protected by the provisions of Standing Order No. 15, and no special means of ousting the occupier appear to be required.

3. The lines adopted for the settlement of the Malabar-Wynaad being the same as those followed in the Nilgiri-Wynaad, the above orders must be held to apply to the whole of the Wynaad, whether in the Nilgiri or Malabar district. The heading of the B set of rules should be altered accordingly.

(True Extract.)

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

To the Commissioners of Land Revenue.

Copy to the Commissioner of Revenue Settlement,
Land Records and Agriculture.

Order—dated 11th September 1890, No. 727, Revenue.

Land Revenue, No. 51.

The questions raised by the Collector of Nilgiris regarding the grant of house-sites in South-East Wynaad will be answered *seriatim*:—

- (1) The Government concurs with the Board.
- (2) The Government considers that the free extent may be allowed either within the ryot's holding or in waste; but prior to occupying a portion of the latter, for the purpose of house-building, the ryot must obtain the permission of the Collector or Divisional officer. In the event of land being so occupied without permission, prohibitory assessment may be charged. The Board's suggestion to deduct the free extent allowed in a ryot's holding from the extent of that holding and to charge assessment on the remainder is approved.
- (3) In the opinion of His Excellency the Governor in Council, it is not desirable that the concession should be confined to ryots who take up not less than 10 acres. The rent-free grant should, moreover, have retrospective effect and should apply to all house-sites, whether occupied prior to the settlement or not.
- (4) The Government sees no reason to deprive Europeans of the above privileges should they care to take advantage of them.

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6 BOARD OF REVENUE (LAND REVENUE), 31ST OCTOBER 1890, No. 660.

2. On a further consideration of the subject, the Government is of opinion that prohibitory assessment should be chargeable on unauthorised occupation of land, reserved for sale by auction, for whatever purpose the land may be occupied. Paragraph 2 of G.O., No. 543, dated 12th July 1890, is accordingly cancelled and the sanction asked for in paragraph 3 of Board's Proceedings, No. 231, dated 3rd May 1890, is accorded.

3. The above orders apply to the whole of the Wynaad.

(True Extract.)

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

To the Commissioners of Land Revenue.

" Commissioner of Revenue Settlement, Land Records and Agriculture.

Resolution—dated 23rd September 1890, Mis. No. 6114.

Communicated to the Collectors of Nilgiris and Malabar.

(A true Copy and Extract.)

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

To the Collector of Nilgiris.
" " of Malabar.

Exd. S. J. Pereira.

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REVENUE DEPARTMENT.

1890.

Board of Revenue

(Land Revenue),

MADRAS.

Printed November 21st.

Proceedings, 31st October 1890, No. 660.

Communicating to all Collectors Government Order passing orders regarding the grant of land for house-sites in South-east Wynaad; directing Collector of Madras to impose prohibitory assessment in the case of one Arumuga Nattan, who encroached upon certain Government land in Tondyarpur division and grew casurina; and amending paragraph 5 of Standing Order No. 16, new edition, regarding encroachments on lands reserved for sale on behalf of Government.

Recorded

11.12.90

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