M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1522 Press ~~Mis.~~

88-89

Dated 8 - 11 - 1859

Not to be folded or roughly handled

No. 88. Read the following Proceedings of the Board of Revenue, dated 21st October 1859, No. 4272.

Read letter from W. ROBINSON, Esq., Inspector General of Police, dated 15th October 1859.

(In Con. 17th October 1859, No. 5143.)

Resolved that the above letter be submitted to Government, with reference to Extract Minutes Consultation, dated 26th June 1857, No. 650, *In Con. 9th July* 1857, *No.* 2552. R. D., and to the Board's Proceedings of 19th September 1859, No. 3737. Copy will also be communicated to the Inám Commissioner and to the Collector of Malabar, with reference to the last mentioned proceedings.

2. Mr. Robinson is undoubtedly correct in his opinion, that the resumption of an Inám under the old rules regarding lapses, was not intended to interfere with the occupation of the land, which was merely rendered again liable to payment of the assessment borne by it, and the Board doubt not, that, in the very great majority of cases, the occupation was in no way whatever disturbed on the Inám lapsing.

3. The Board are not aware of any reason for questioning the correctness of Mr. Robinson's opinion, that the liability of Ináms in Malabar to the operation of the rules in force, regarding similar tenures elsewhere, is in no respect modified by the fact that the proprietary right in the soil there is not even in theory claimed by Government.

4. The tendency of the policy of Government of late years on this point has been to recognise to its fullest extent such proprietary rights to lands under occupancy appertaining to individuals as can any where be traced, to confirm them where existing, to create them if not hitherto admitted. But the theory of property in land in this country, as laid down in the most remote traditions, and earliest extant writings, recognises the right of the governing power to a share in the produce of the land, as one of the conditions of property, and the admission of this right in no way weakens the proprietary tenure.

5. The assertion then of this right in regard to the Ináms of Malabar, where the rules and regulations for the continuance of such tenures would not permit of prolonged exemption from the payment of land tax, cannot, in the Board's opinion, be considered, on any ground of reason, to interfere with the rights of property in the land there, which the Board would ever seek to uphold and protect.

(A true Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 89. ORDER THEREON, 8th November 1859, No. 1522.

Ordered to be communicated to the Inám Commissioner. The Government fully agree in the views stated by the Board.

(Signed) J. D. BOURDILLON,
Secretary to Government.

No. 4272.

PROCEEDINGS of the BOARD of REVENUE, dated 21st October 1859.

Read letter from W. Robinson, Esq., Inspector General of Police, dated 15th October 1859.

(In Con. 17th October 1859, No. 5143.)

Resolved that the above letter be submitted to Government, with reference to Extract In Con. 9th July 1857, No. 2552. Minutes Consultation, dated 26th June 1857, No. 650, R. D., and to the Board's proceedings of 19th September 1859, No. 3737. Copy will also be communicated to the Inam Commissioner and to the Collector of Malabar, with reference to the last mentioned proceedings.

2. Mr. Robinson is undoubtedly correct in his opinion, that the resumption of an Inam under the old rules regarding lapses, was not intended to interfere with the occupation of the land, which was merely rendered again liable to payment of the assessment borne by it, and the Board doubt not, that, in the very great majority of cases, the occupation was in no way whatever disturbed on the Inam lapsing.

3. The Board are not aware of any reason for questioning the correctness of Mr. Robinson's opinion, that the liability of Inams in Malabar to the operation of the rules in force, regarding similar tenures elsewhere, is in no respect modified by the fact that the proprietary right in the soil there is not even in theory claimed by Government.

4. The tendency of the policy of Government of late years on this point has been to recognise to its fullest extent such proprietary rights to lands under occupancy appertaining to individuals as can any where be traced, to confirm them where existing, to create them if not hitherto admitted. But the theory of property in land in this country, as laid down in the most remote traditions, and earliest extant writings, recognises the right of the governing power to a share in the produce of the land, as one of the conditions of property, and the admission of this right in no way weakens the proprietary tenure.

5. The assertion then of this right in regard to the Inams of Malabar, where the rules and regulations for the continuance of such tenures would not permit of prolonged exemption from the payment of land tax, cannot, in the Board's opinion, be considered, on any ground of reason, to interfere with the rights of property in the land there, which the Board would ever seek to uphold and protect.

(A true Extract.)

Acting Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.

Copies to the Inspector General of Police, Inam Commissioner, and Collector of Malabar.

Exd. J. Wright.

Lond: 30th June 59 N°2842 9.
Rec.d at the Bd of Rev.e 19 Sept.r
1859 Ct N°1833 in lo.

Rec.d 1859 Dep.t 10th Nov.r
Pres.d of Gov.t N°1961

Proceedings of the
Board of Revenue

Dated 21st
Dep.d 24th } Ack 1859.
Rec.d 24
E.I Arrival Letter Returned 1-12-59.

N°4272.

Submitting with the Boards
observation a communication
from the Inspector General of Police
stating that there is no grounds
for exempting the various
Mainmens of Anjalabar from the
operation of the late or existing
Cuan Rules

N°1522. 8th November 1859

William Order

N°88+89.

C 31st October R 3 Nov.r

N°1522

Ordered to be communi-
-cated to the Cuan Commis-
-sioner - The Government fully
agree in the views stated
by the Board-

Fort St. Geo.e
8th Nov.r 1859.

4 Copies- Cuan Commissioner
6 " Board of Revenue.
1 " Inspector Gen.l of Police
1 " C. Pelly Esq.r