M.R.O. 14—10,000—21-4-23

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 364 — ~~Press~~ Mis.

Dated 22 — 7 — 1859.

Not to be folded or roughly handled

No. 1747.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 13th May 1859.

Read letter from the Collector of North Arcot, dated 16th April 1859, No. 103, furnishing a summary of the correspondence that has taken place regarding the quantity of land which a Ryot may relinquish or take up.

(In Con. 18th April 1859, No. 1748.)

Read also letter from the same Officer, dated 25th April 1859, No. 111, recommending for reasons stated, that the occupation of Waste land in unoccupied Stulls (Survey fields) may be left entirely unrestricted as to quantity till the Survey reaches his District.

(In Con. 27th April 1859, No. 1814.)

In the correspondence referred to by the Collector in the foregoing letters, the Board were anxious to see a rule established, the tendency of which would be to prevent land being broken up into minute plots as at present. They wished Waste Survey fields or Stulls as they are termed in North Arcot when newly occupied, to be taken up in their integrity, but as the Survey fields varied in extent, a strict adherence to such a rule was found to be impracticable. It was, therefore, subsequently proposed by them that a minimum of two Cawnies of Nunjah, and six Cawnies of Poonjah should be established, as the extent below which Waste Survey fields should not be allowed to be occupied. In the second letter above recorded, Mr. Whittingham expresses his views as to the operation of this minimum, and

Paras. 3 and 5.

recommends that the rule may not be enforced. His reasons are two-fold—firstly, that owing to the imperfect demarcation of field boundaries, a Ryot in taking up Waste land under an impression that it forms part of a Survey field already in occupation, may find himself made responsible for a larger quantity of land than he intended to occupy, and secondly, that it is to be apprehended that field numbers will be altered to escape the application of the rule.

2. In support of his recommendation for abrogating this rule, Mr. Whittingham submits a statement, but looking to the minute quantities of land sometimes taken up, as exhibited in that Statement, the inference to be drawn is that a minimum rule of some kind is necessary. Mr. Whittingham has on a former occasion expressed himself in favor of a minimum of one Cawney of Nunjah, and three of Poonjah, and no another he was willing to introduce a rule which would have the effect of fixing Rupees 30 as the lowest limit of Puttahs.

From Collector 19th February 1858, No. 30, para. 6, in Con. 29th March 1858, No. 842.

From Collector 11th in Con. 12th January 1859, No. 6, in Con. 12th January 1859, No. 150.

A rule of the character of that last mentioned would be inadmissible as affecting no less than 67,633 Puttah, in North Arcot out of 90,588, but the fact of Mr. Whittingham having advocated it shews that he is impressed with the necessity of some rule of the kind.

3. On a consideration of the subject, the Board cannot give up the principle on which their former orders were passed, a principle which is essential to a sound revenue system; but they will so far modify them as to allow the minimum which Mr. Whittingham on a former occasion proposed, for Nunjah viz. one Cawnie and two Cawnies for Poonjah instead of three as he suggested. The general rule therefore will be that persons wishing for Waste land, must take up entire Survey fields. The only exception is to be when a field is so large that the applicant after taking up the above minimum, leaves an equal quantity or more available for another person. In other words *Waste* Survey Fields of less than two Cawnies Nunjahs or four Cawnies Dry cannot be subdivided, while those exceeding that extent can be subdivided *only* in such a way that none of the subdivisions shall fall below one and two Cawnies respectively.

4. As the distribution of the Waste land has been left to the Village community at the late Collector Mr. Bourdillon's recommendation, it is the more necessary to publish a rule to prevent the breaking up of fields, and the inconveniences which arise therefrom. The Collector will explain what measures are taken to prevent the Village communities *from* misusing, in this respect, the privilege granted to them. He is also requested to state how this mode of disposing of the Waste lands has been found, in practice, to answer, and whether the public interests are duly advanced by all parties who wish to occupy Waste land, being able to obtain possession and commence cultivation without delay.

5. On one point Mr. Whittingham has misunderstood the scope of the Board's orders, and his own functions. In his letter of 25th April, para. 3, he observes that owing to the indistinctness of boundaries, the Board's rule will act harshly, since a person who unintentionally crosses the boundary of a field and cultivates a few Annas of land in a new field, becomes thereby liable to a heavy assessment. But it was never intended that mere errors should be thus punished. The Collector has power to adjust all such cases, and the annual Settlement is expressly held to allow complaints to be heard in those exceptional instances where the Hookumnamah rules operate with unintended harshness. If a Ryot unintentionally extends his cultivation into a new field, from the boundaries being indistinct, the penalty which he would incur under the minimum rule may be suspended in the current Settlement; but the proper boundary is to be shown to him by the Curnum, and in the following year he must abide by the District rule, or retire from the field on which he had encroached, so that it may be available for another party. Cases of this kind are of no novelty; they have always prevailed under the old Shamilat Bunjer rules, and been successfully dealt with in the manner now pointed out. The Board cannot therefore allow the important principle of preserving Survey fields to be given up on this account.

In Con. 27th April 1859, No. 1814.

6. The foregoing remarks have reference to *unoccupied Survey fields*; no orders, it is observed, have been issued regarding the Waste portions of *occupied Survey fields*. On the latter point the Board await the information which the Collector will have to submit on the completion of the enquiries now going forward.

From Collector 16th April 1859, para. 9.

(A true Extract.)

(Signed) J. D. SIM,
Secretary.

To
C. WHITTINGHAM, Esq., Collector of North Arcot.

Extract from the Proceedings of the Board of Revenue
dated 5th May 1859

No. 1573.

From J. D. SIM, Esq., Secretary to the Board of Revenue.

To J. RATLIFF, Esq., Acting Collector of South Arcot.

Sir,

I am directed to acknowledge your letter of the 18th February last, and to send a set of revised rules for giving away waste lands. These rules are to be published in your Gazette in supercession of Mr. Hall's rules of 31st May 1856 and of the revised rules embodied in the Notification published by you in the South Arcot Gazette of 4th February last, but it is open to you to make a reference to the Board before the publication if any rule appears to you to require modification.

In Con. 26th February 1859, My. No. 527.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. D. SIM,
Secretary.

Revenue Board Office,
Fort St. George,
3rd May 1859.

Revised Rules for giving away waste lands.

1. Every Ryot wanting Land must make a written application for it to the superior Revenue Officers, or to the Tahsildars.

2. If the land has been cultivated within the last three years the first choice will always be given to the former cultivator, and if the applicant is a stranger, the land will also be offered to the Oolcoody Ryots before being given to him.

3. When several persons apply for the same land on the same day, it will be given to the applicant whose land adjoins it. Should there be no such person the Collector will exercise his discretion in deciding on the party to whom the land is to be assigned.

4. If a small piece of land is applied for which is situated in the midst of another's holding, it is not to be given to the applicant unless the owner of the circumjacent fields declines to take it.

5. No fields are to be broken up, and the applicant must take the entire field. But in the case of very large fields, the Collector may at his discretion modify this rule, when the portion of the field applied for exceeds one Cawney in Nunjah or two Cawnies in Poonjah, and the subdivision causes no inconvenience.

6. No land is to be given away without the knowledge of and previous reference to the Village Officers.

7. When the grant of the land applied for would interfere with the local rights of the Villagers, as in the case of Village topes, cattle stands, threshing floors, burial grounds, &c. the Durkhoast is to be rejected.

8. Durkhoasts may be made at any time, but if they are made after the 15th August and before the 1st February, the teerwah of the current year will be demandable at the discretion of the Collector, whether the land be cultivated or not.

(Signed) J. D. SIM,
Secretary.

No 1573

Sir,

I am directed by the Secretary to the Board of Revenue to forward herewith a Copy of Proceedings of the Board of Revenue dated 9th July 1858 and Extract Minutes of Consultation 7th September 1858 and to request that you will be pleased to issue such orders as you may deem necessary to the Collectors of Salem & Coimbatore in accordance with the Boards Proceedings.

I am Sir
Your most obedient Servant
J. D. Boudillon
Secretary to Government
Revenue Department

Fort St George
31st May 1859

No 1573

Official Memorandum.

The Secretary to the Board of Revenue has the honor to inform the Secretary to Government (Revenue Department) with reference to his Memo dated 25th Ultimo No 145 that specific orders regarding the minimum quantity of land to be taken up or relinquished have only been issued in North and South Arcot.

The Board's Proceedings 9th July 1858 and Extract Minutes Consultation 7th September 1858 were however circulated to all Collectors.

Revenue Board Office
Fort St George
15th July 1859.

By order.

Secretary.

To J. D. Boudillon Esq
Secretary to Government
Revenue Deptt

Cons. 7th Sept. 1858 No. 13 14.

Revenue 1859 Depart.

Offl. Memo. No. 1322

From Prov. Govt. 22 July.
The Secretary to the
Board of Revr.

To The Secretary to
Government
Revr. Deptt.

Dated 15th
Desp. 16th July 1859
Recd 18th

Informing that
Specific orders regard-
ing the minimum
quantity of land to be
taken up or relinquish-
ed have only been
issued in North and
South Arcot.-

Lodge.

Mis No. 362