M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1431	Press Mis.
301-303	
Dated 24-8-	1860.

Not to be folded or roughly handled

Read the following :—

No. 301. Proceedings of the Board of Revenue, dated 24th July 1860, No. 3,383.

Read the following letter from J. FRASER, Esq., Collector of South Canara, to J. D. SIM, Esq., Secretary to theBoard of Revenue, Fort Saint George ; dated Mangalore, 20th June 1860, No. 91 :—

SIR,

1. I have the honor to acknowledge receipt of the Proceedings* of Government relating to Kumari cultivation, and the mode in which it is to be treated for the future in South Canara.

* *23rd May* 1860, *No.* 830.

2. In the paragraphs† containing the Orders of Government, Waragdár Kumari and Sárkár Kumari are treated of, the first in paragraphs 16 and 17, the second in paragraph 19. In paragraph 17, the exceptional case of the Békal Táluq is disposed of; and Kumari there, Warg Kumari I suppose, is ordered to be allowed on its present footing. Then in the concluding part of the paragraph, the question is asked "whether "there is any reason why Kumari should not be taxed here, as in North Canara, 1 Rupee per "acre, instead of ½ Rupee." I beg to be informed whether this question is asked as to Kumari cultivation in Békal generally, or as to Warg Kumari, or Sárkár Kumari. In Békal there is Sárkár Kumari in only two out of 22 Moganies, and that to the estimated extent of 370 acres. Warg Kumari extends to very nearly 6,000 estimated acres.

† 16 *to* 20.

Vide paragraph 10 *of the Government Order.*

The Board understand the Government proposal to raise the rate of Assessment on the Kumari cultivation of the Békal Táluq, to apply to "Waragdár Kumari" so-called, as well as to Sárkár Kumari, as the Government do not admit that the rights of the former are in any way superior to those of the latter, or that the entry of that item among others in the *Warg*, originally denoted anything more than that the Waragdár was also the temporary renter of certain jungle farms or privileges, which the Sárkár was competent to modify or discontinue at will, and it is solely as an act of grace that in the Békal Táluq the Waragdár, whose Warg includes the item is in consequence of the more systematic nature of the cultivation still to be recognized as the party with whom Government have to deal for the realisation of the Assessment, which elsewhere will be made directly with the Kumari Riayats.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 302. Proceedings of the Board of Revenue, dated 4th August 1860, No. 3,595.

Read the following letter from J. FRASER, Esq., Collector of South Canara, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George ; dated Mangalore, 13th July 1860, No. 109 :—

SIR,

1. I had the honor to address you on the 20th ultimo, as to the precise meaning of the Orders of Government regarding Warg Kumari in the Békal Táluq, because it seemed to me that an unintentional mistake had been made.

2. I now further beg to point out, that whereas the case of such cultivation has been made exceptional in Békal, because it adjoins Malabar where no restriction is placed by Government on such practice, Kumari in Malabar is held on actually less favorable terms than in Békal. In this Táluq the entry of any amount, a single Rupee even, of Kumari Shist in a Patta, is considered to give the holder a right to cut Kumari to *any* extent ; but to Government the right to

only the amount of rent entered in the Patta. It is on Sárkár Kumari only that half a Rupee per acre is levied in this Táluq, on Warg Kumari, as paragraph 10 of Government Order* shows, the rate is merely nominal.

* *No.* 830 *of* 23*rd May* 1860.

3. In Malabar, the extent of Kumari cut every year is examined and the crop estimated, Government taking ¼ as their rent; so that the source of Revenue increases or decreases, *pari passu*, with the cultivation. Not so in Békal, the demand of Government is fixed at what it was when the Táluq became a part of the British possessions: the cultivation has gone on increasing till it is now nearly treble what it was then; and this according to the accounts furnished by the Raiyats themselves: in reality it is more probably quadruple or quintuple.

4. There is also another anomaly in this Táluq, which has, I think, not been sufficiently noticed. In nine villages there are 20 Wargs, the owners of which have not by entry in their Pattas, or documentary evidence of any sort, the right to a single Anna of Kumari; and yet they assert and exercise the right of cutting nearly 300 acres annually, and have done so for many years.

5. In Malabar the Forests are admitted to be private property: such a right has never been admitted, never even asserted save in isolated cases in Canara; and they are now every where treated as Government property. This is an additional and strong reason why Kumari should be treated, at least not more favorably in Békal than in Malabar.

6. Every acre so cultivated should be assessed; and as the forests or jungles are Government property, the limits within which each individual may cut, should also be fixed. I think also, that while every encouragement should be given to permanent clearing of the ground, the increase of Kumari should be prohibited beyond its present extent.

7. Were it not that the instructions to leave Kumari on its present footing, to "let things remain unchanged" in Békal† are so positive, I should not have written at such length; but in dealing with a difficult subject in a District to which I am a stranger, I wish to be assured that I am only carrying out the intention of Government.

† *Clause I, paragraph* 12, *Government Order and paragraph* 17.

8. I think the imposition of 1 Rupee per acre on Kumari cultivation a most moderate rent; and in this Deputy Collector Fernandez, formerly and for long Head Sarishtadar of Canara, concurs.

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1. The Board think that the Collector has somewhat misunderstood both the Government Orders on the above subject, and the state of things in Békal in connection with Kumari cultivation there, which it is proposed to leave as it is for the present.

2. It has never been admitted by the Board or by Government that, as stated in the above letter, "the entry of even a single Rupee of Kumari Shist in a patta (or *Warg*) gives the holder "(or Waragdár) a right to cut Kumari to *any* extent, but to Government the right to only the "amount of rent entered in the patta." A claim so utterly preposterous has never to the Board's knowledge been advanced till now, and is altogether inadmissible.

3. Mr. Fisher in his Report under consideration in the Board's Proceedings of 16th April 1859, states that while in North Canara the extent of cultivation which was represented by the Kumari Shist included in a *Warg* was altogether undefined, in Békal the original Kumari holdings were defined in Padipads (an area nearly equivalent to an acre) and the Kumari assessment on them averaged 4 Annas per Padipad.

Vide Mr Fisher's Report of 30*th August* 1858, *paragraph* 87.

4. Circumstances having in Békal given to this mode of cultivation a more permanent character than elsewhere, while its frequent repetition on the same spot is precluded by its nature, it has been tacitly allowed there that a "Waragdár" whose "Warg" includes the item of Kumari Shist has, so far as other individuals are concerned, the exclusive right to carry on this cultivation

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24th August 1860.

within a defined area, twelve times as large as that which the amount of Assessment represents at 4 Annas per acre, it being assumed that the same spot cannot be cultivated in this manner more frequently than once in twelve years, and that thus no more than one-twelfth of the whole can be cultivated in any one year; although it is believed that the period of rest allowed to each plot is now not more than eight years on an average instead of twelve years, and that thus one-eighth of the whole area is probably cultivated annually. The limits of this whole area, however, are understood to be well known and permanently maintained, and it was on the belief that such is really the case, that the Board's recommendation in the matter proceeded.

5. As they understand the matter, 10 Rupees of Kumari Shist in a Békal Raiyat's Warg would represent an annual extent of Kumari *cultivation* of 40 acres, and the exclusive right to carry on that mode of cultivation within a permanently defined area of 480 acres, the fact that owing to shorter terms of rest to the land, the annual cultivation was probably 60 acres instead of 40 acres being intentionally overlooked.

6. Anything more than the above privileges in conection with Warg Kumari must be considered as altogether unauthorized encroachments, and be treated by the Collector as Sárkár Kumari to be assessed to its full extent at one Rupee per acre, or to be disallowed altogether in future, accordingly as the Collector may consider the particular cultivation in qestion permissible, or otherwise, from its locality.

7. The Government proposal in the latter part of paragraph 17 of their Proceedings, dated 23rd May 1860, is, as the Board understand it, that the existing Kumari Shist in the Wargs of Békal Raiyats shall be raised to four times its present amount, or to one Rupee, instead of 4 Annas per acre, under which in the case supposed above by the Board the Raiyat would in future pay Rupees 40 instead of Rupees 10, for his annual Kumari cultivation, which may average 60 acres though it is assumed to be no more than 40 acres, while he retains the exclusive right to carry on Kumari cultivation within a total fixed area of 480 acres.

In Cons., 25th May 1860, *No.* 2,444.

8. The Board think that the Assessment proposed by Government on cultivation involving such privileges is light in the extreme, but they wish to have the Collector's deliberate opinion on the matter as now explained.

9. The cases alluded to in paragraph 4 of the Collector's present letter are evidently instances of unauthorized cultivation, but in consideration of their long standing they may be treated as Sárkár Kumari, that is, the Collector's permission must be obtained for each cutting, and the whole extent cultivated in any year is to be assessed at one Rupee per acre.

10. It is of course open to the Collector to cause such inquiries or periodical investigations regarding this cultivation as he may deem necessary, and the Board rely on his taking every precaution necessary to ensure that the individual areas claimed by the Békal Kumari Waragdárs, as represented by their Kumari Shist, are really permanently maintained, and not changed at will.

11. The strict enforcement of this most reasonable requirement may in time, it is to be hoped, convert this rude system of periodical cropping into one of permanent clearings, to the advantage of all concerned.

(A true Copy and Extract.)
(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 303. ORDER THEREON, 24th August 1860, No. 1,431.

1. These two papers relate to Kumari cultivation in the Békal Táluq of South Canara. The Board lay before Government, with their remarks, two letters from the Collector, asking for instructions on points connected with the Order of May 23rd 1860, No. 830.

2. In the letter (June 20th) included in the former of these Proceedings, the Collector makes an enquiry respecting the meaning of a part of the Order just referred to, which enquiry the Board have answered correctly. The proposal to raise the assessment of Kumari cultivation in the Békal Táluq applied primarily to Waragdár Kumari, which constitutes nearly the whole of the Kumari in that Táluq; but the same rule should be applied also to the small extent of Sárkár Kumari.

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24th August 1860.

3. In the letter (July 13th) included in the second Proceeding, Mr. Fraser enters more at length into the subject. He states that the vicinity of Békal to Malabar forms no ground for exceptional indulgence in that Táluq; because Kumari cultivation is in reality more heavily taxed in Malabar, though the forests are private property, than in Békal where they are Government property. He also makes some remarks as to the Kumari practice in Békal. The Board have called for further information on these subjects and a more deliberate opinion; and the Government will therefore await a further report from them.

4. Adverting to what Mr. Fraser says as to the taxation of Kumari in Malabar, the Government think it desirable that the Board should obtain information from the Collector of that District, as to the real custom there, and the actual ordinary rate of the demand on Kumari cultivation, for comparison with Békal. They must remark also that if, as it would appear from Mr. Fraser's letter (paragraph 3), the assessment in Malabar is determined every year by a valuation of the crop, it is desirable that a change should be made, a fair average money-rate being charged instead—should there not exist local objections to this course, of which the Government are at present ignorant.

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

Rev Dep.t

N° 1431

Proceedings of the Madras Government
Under date the 24th August 1860.
Read the following Pro
of the Board of Revenu

Submitting with
the Board's remarks a letter
from the Collector of South
Canara furnishing the
information required by
Govt. relating to Kumari
Cultivation.

(Here enter 24 July 60
N° 3383

Submitting copy of the
Board's Progs passed on a
letter from the Collector of
South Canara addressing
as to the precise meaning
of the orders of Govt. regarding
Waste Kumari in the Békal
Taluq.

(Here enter 6 August
N° 3595

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No 830-

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Board of Revenue for Court

12 Copies to the Bd of Rev
Oct 25

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Copy in a Letter to Govt
Dy 11th October 60 No. 111.

297-71
458-11
33-4

3-4
10-6-5-9
32-33
31-5-60

25-27
1-3-5-7
65-70
1-8-55

4.

Kumari Cultivation in
Bekal Taluq of So. K. Canara

Revenue 1860 Departt.
Pro: of Govt. for August

No 1431.

Pro: of the Madras Govt:-
Dy 24th August 1860.

From the Bd. of Rev. 27th Septr 60
C. No 1920 in Pro 17th Septr No 1617.

Pro: Bd of Rev. Dy 16th Oct 1860 No 2349

13

Awaiting a further
report from the Board
relating to Kumari Culti-
vation in the Bekal Taluq
of South Canara.

No 301 at 303.

Regt. Regt.