

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	539	Press
	7.6.78	~~Mis.~~
Dated	5-4-	1860

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
for the month of April 1860.*

No. 76. Read the following Proceedings of the Board of Revenue, dated 10th March 1860,
No. 1,242:—

Read again letter from the Collector of Bellary, dated 28th January 1860, No. 16.

(In Con. 3rd February 1860, No. 523.)

Read also again the Proceedings of the Government, dated 15th February 1860, Revenue
Department, No. 233.

(In Con. 16th February 1860, No. 732.)

The point which the above papers bring under the consideration of the Board is how far Fees (*Mérás*) charged either on the gross produce, and, therefore, in equal proportions on the *Méiváram* or Government share, and *Kudiváram* or cultivators' share, or else charged on the *Kudiváram* alone, can, so far as those due by the Raiyat are concerned, be legally realised by distraint in the same manner as a revenue arrear or compulsorily included in the Raiyat's *pattá* as an item of the Government or public demand against him, in the existing state of the law.

2. In Bellary where prior to the cession of the Province to the British, the Sirkar demand had been fixed in money, and the theory of a devision of the produce had passed out of sight, the Fees were charged on the Raiyats, by order, it is believed, of Sir Thomas Munro, then Collector, according to the *customary* rates as ascertained by enquiry, and thus the charge is not there so obviously a deduction from the "*Kudiváram*" as elsewhere, but it still necessarily is a reduction of the Raiyat's profits from cultivation, and the question equally arises as to the legal mode of realisation. In that District the point has been raised as regards Fees claimed by Reddis, Karanams and '*Begáris*' or village day laborers, in cases unconnected with each other, which have elicited an independent expression of opinion by the Collector, Acting Sub-Collector and Native Deputy Collector, each of whom is opposed to the view that the item of demand can be inserted in the *Pattá* and realised as an arrear of revenue by distraint. The Collector indeed treats the question as one regarding which there can be no doubt that the practise, where existing, is unauthorised by law.

3. In the letter from the Inám Commissioner, dated 14th November 1859, communicated with the Government Proceedings, dated 15th February 1860, No. 233, R. D., it is assumed that where these Fees are deducted from the gross produce before the division of the Raiyats' and the Government shares, and form, therefore, a joint contribution from both parties "the payment does not depend on the option of the Raiyat, it is enforced by *"distraint in the same manner as the public revenue."*

4. The Commissioner's views are generally adopted by Government, but this particular point is unnoticed, and it is one of so much importance at the present moment when the revision of the village Establishments, including the village Police, is being undertaken, that the Board deem it their duty to bring to the notice of Government their opinion, that, as a general rule, it is more than doubtful whether in the present state of the law, Fees formed by a deduction from the *Kudiváram* or Raiyat's share of the produce whether taken before or after the division of the gross produce or whether charged, as in Bellary, without direct reference to the produce, can legally be included in the Raiyat's *pattá* as an item of the public demand against him, or be realised by distraint as an arrear of revenue.

5. They are confirmed in this opinion by the exception from the above general rule which the *Kavelli* Police Fees in Tanjore form, as those Fees, when their appropriation towards the establishment of a more efficient system of Police in that province was resolved on, were made the subject of special legislation by Regulation I of 1816, which provided for their realisation by distraint in the same mode as arrears of revenue.

6. Regulation VI of 1831, which has reference to village offices and the emoluments annexed to them, is in the Board's opinion, intended for the regulation of claims to share in, or succeed to such offices and emoluments and for the control of the office holders, but not for the adjustment of disputes between office holders and Raiyats regarding the Fees which form those emoluments.

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7. In paragraph 8 of the Memorandum by the Board's present Sarishtadár, which was published by Government among the papers on the revision of Tálug accounts, and in Nos. 26 and 27 of the Rules for their preparation, which Government approved, it was proposed that Fees should be entered in the pattás and collected, formed by a deduction from the "Cirkar

Note—The "Wooligum" or "Wurium" of South Mélévaram" or Government share of the produce, Arcot which is also there mentioned, is a should be entered in the pattás and collected, deduction from the gross Government demand, from the Raiyats by the Government Officers and has nothing to do with the "Kudivarum," which is a perfectly legitimate arrangement; but though this may in some cases have been

misinterpreted to include all Fees charged on the produce, the Board do not believe that the mistake can have been of general or wide occurrence, or that the practice of treating Fees deducted from the Raiyat's share as being realisable by distraint in the same mode as a revenue arrear or as being capable of being entered in the pattá as an item of demand without the consent of the Pattádár, is in any form so general as the Commissioner for Ináms has assumed it to be.

8. The Board do not intend to express any opinion against the desirableness or expediency of such an arrangement being legalised; they merely state what in their opinion is the condition of affairs at present under the existing law and they greatly doubt whether the realisation by distraint as for a revenue arrear from a Raiyat of Fees to village Officers chargeable on him irrespective of his liability for the Government "Mélévaram" or "Tirvai" could be defended successfully in a Court of Law.

9. The Board are inclined to think that this difficulty has resulted from an oversight when substituting money payments for revenue paid in kind, for it is evident that such an arrear, where the deduction was made from the gross produce under an "Amáni" system involving division of the crop and payment of revenue in kind could scarcely ever arise, and the charge, so far as it relates to those village Officers whose duties concern both Government and the Raiyat in their relations to each other, being one that might most properly be made subject of Legislative Enactment, they resolve, therefore, to suggest to Government that the necessary steps be taken for procuring a short declaratory Act enacting that the Fees due to village servants in the Revenue and Police Departments, which by immemorial custom have been charged in certain fixed proportions on the Raiyat's share of the grain produce of his cultivated land whether before or after division of the crop or otherwise assessed on him, shall be henceforth chargeable on the land, in the same proportion as heretofore on the average produce as assumed for purposes of assessment to the public revenue, and shall be commutable for a money payment at the rates of conversion similarly assumed, and being inserted in the Raiyat's Pattá, together with the other items of public demand against him shall be realisable by distraint in the same mode as is provided for an arrear of land revenue.

10. It may perhaps be desirable to obtain at the same time the legalisation of what the Board are given to understand is the proposed arrangement in regard to these Fees, namely, that the surplus where such is found above 15 per cent. beyond what is considered a fair remuneration for the duties of the office to which they are attached, shall be thrown into a general fund, to meet deficiencies in the same source of remuneration elsewhere.

The arrangement is understood to have been proposed when the Inám lands attached to the offices were intended, when an insufficient remuneration for its duties, to be supplemented by more or less of the Fees. Now it is proposed that the Fees shall form the primary source of remuneration, to be supplemented when necessary from the Inám land, and as in consideration of the uncertain character of the main source of emolument, an excess of 15 per cent. beyond a sufficient remuneration is proposed to be continued where already existing, the contingency of an available surplus of Fees is little likely to arise.

11. The Board have the less hesitation in proposing this application to the Legislature, as they presume that some such measure must already be under contemplation in regard to the

*Proceedings of the Madras Government, Revenue Department,
for the month of April 1860.*

office Ináms, which it is now proposed to separate in great measure from those offices to which by Regulation VI of 1831 they are declared to

In Con. 6th March 1860, No. 1,059.

See paragraph 15 of Government Proceedings.

be inalienably attached, and also as Government have already in their Proceedings, dated 5th

March 1860, No. 346, R. D., on the draft

Revenue Code approved the provision added to that Code by the Board for the realisation of village officer's Fees in the same mode as a revenue arrear, and recommended its extension to the Inám assessments due to those officers in the Revenue and Police Departments.

12. Those Proceedings of Government reached the Board after these Proceedings were drafted, but as the draft Revenue Code professes to be mainly a consolidation or codification of existing law, and only partially to contain new provisions, while it may be some time before that voluminous and important series of bills which has been returned for revision pass into law, the Board resolve to submit the foregoing remarks for the immediate consideration of Government as the subject calls for early decision in connection with the revision of the village Establishments and Police, and with the operations of the Inám Commissioner.

(A true Extract.)

(Signed) J. D. SIM, Secretary.

No. 77.

MINUTE BY THE HONORABLE THE PRESIDENT.

I concur with Mr. Bourdillon. As regards the Begáris I can speak from personal experience. Thirty-four years ago persons of this class performed these services for me during my journey across the Continent of India from Bombay to Madras. I always remunerated them; but it was understood that they were under a necessity of giving me their labour, and that they were not entitled to any remuneration and ordinarily did not get any. The very name implies this. It is high time that this barbarous practice should be finally extinguished. The good wages given by the Railway and Irrigation Companies will help this result.

Gindri, 24th March 1860.

(Signed) C. E. TREVELYAN.

No. 78.

ORDER THEREON, 5th April 1860, No. 539.

The object of this paper is to represent to Government the expediency of obtaining an Act to legalize the collection of the fees of village Revenue and Police servants, by the same process as arrears of Revenue; and also to authorize the Government to commute customary grain fees into money.

2. In the Order of the 5th ultimo* the Government have already desired the Board to embody in the Revenue Draft Act No. 4, a provision to the effect proposed, as respects both fees, and dues from Inám lands. They also agree with the Board that power ought to be obtained to commute grain fees into money, and further to equalize and regulate such fees, they being now confused, complicated, and various, in a high degree.

3. The Government do not attach practical importance to the distinction dwelt on by the Board between fees charged on the Government share of the produce and those charged on the Raiyats' share; since the proposed Legislative Enactment will apply only to the Government servants of the village. Nor do they think it necessary to obtain power to use any surplus of fees in one village to augment emoluments in another.

4. With regard to the letter of the Deputy Collector enclosed in that of the Collector of Bellary, it appears to Government that the subject needs further investigation by the Board. The class of servants styled Begáris is one which, to judge by the account there given of them and of their services (paragraph 5, &c.), ought not to be maintained at all. The maintenance of such a class is an abuse and a source of oppression and other evils, and they should be every where abolished. Their Ináms will be dealt with by the Inám Commissioner; their fees will cease; and they will be relieved from their Jodí so far as that may be fairly considered as payable from fees.

(Signed) J. D. BOURDILLON,

Secretary to Government.

In. No. 124

IN CON. 3RD FEBRUARY 1860, No. 523.

From A. HATHAWAY, Esq., Collector of BALLARI,

dated Kamlapur, 28th January 1860, No. 16.

I have the honor to submit, for the consideration and instructions of the Board of Revenue, the enclosed original letter from my Acting Sub-Collector, Mr. Reid.

2. He requests therein to be informed (expressing at the same time his own belief to the contrary,) whether the property of raiats can be legally distrained for the recovery of "mera," or fees due to karanams and reddis.

3. It is doubtless well known to the Board, that the practice in many districts, is for the Revenue authorities to collect these fees from defaulters by distraint; but it appears to me that a course, which is not legalized, ought not to be adopted rendering as it does the Collector liable to be cast in a civil action.

4. I cannot officially authorize my subordinate to do what, I believe, is sanctioned by usage only, and not by law; and would, therefore, wish for the instructions of the Board on the subject.

5. I am aware, that this reference of mine somewhat anticipates the report, which I have to make, in answer to the Circular (No. 59) issued by Mr. Pelly, on the 26th October 1859, in paragraphs 12, 13 and 14 of which the subject of commutation of fees is touched upon.

6. As in consequence of the necessary accounts not having been yet furnished from the talooks, I am unable immediately to send in the said report. I will content myself with observing on this point, that I think it highly advisable, that all recognized fees be commuted for cash payments, and that being entered in the raiats' pattas, they be credited to Government, who should pay to the village officers a fixed remuneration either in cash if possible, or, if that be found not to be feasible, in inam land, supplemented, in case of deficiency, by a money payment.

7. I take the liberty of enclosing an original communication received by me from Deputy Collector, Sheshagiri Row, on the subject of fees paid in this district, and will, if the Board throw out hopes, that the question may be taken up by Government, in communication with the Inam Commissioner, address them on the subject more fully.

ENC. 1.

ABSTRACT.—Original letter from the Acting Sub-Collector of Ballari, to the Collector of Ballari.

ENC. 2.

ABSTRACT.—Original letter from Sheshagiri Row, Deputy Collector of Ballari, to the Collector of Ballari.

Ed. J. Tulloch.

Minute.

I concur with Mr. Bourdillon.
As regards the Begaris I can speak
from personal experience. Thirty four
years ago persons of this class performed
for me the services attributed to them in
the Villages between Poonah and Cuddapah.
I always remunerated them, but it
was fully understood that they were
under a necessity of giving me their
labour, and that they were not entitled
to any remuneration and ordinarily
did not get any - the very name im-
plies this. It is high time that this
barbarous practice should be finally
extinguished. The good wages given by
the Railway and Irrigation Companies
will help us to do it.

Guidi - 24th March 1860. /F./C. P. Trevelyan.

L. P. Trevelyan

Copy in collection to top?
1871 12th Oct 1871 12th 1871

1871 12th Oct 1871

Enclosure in Proceedings
of the Board of Revenue
in the Standard Government
Revenue Department dated
10th March 1870 A. 1212.
C. 2. 2820

P. 2820

Letter from the Collector
of Bellary to the Board of
Revenue dated 13th January 1870
re 10th regarding land or
paddy to Government or Bellary.

Grain

Rev. Dep^y

No 539
Proceedings of the Madras Government
Under date the 5th April 1860.
Read the following
Proceedings of the Board of
Revenue.

Submitting for the immediate consideration of Government the Board's remarks on the expediency of realising as an item of the Government demand the fees formed by a deduction from the Ryots' share of the produce, as the subject calls for early decision in connection with the revision of the Village Establishments and Police and with the operations of the Survey Commission.

(Here enter 10th March 1860 No. 1242)

The object of this paper is to represent to Government the expediency of obtaining an act to legalize the collection of the fees of village Revenue and Police servants, by the same process as arrears of Revenue, and also to authorize the Government to commute customary

Grants

Copy in a letter to the
Dep^y 12th Dec. 1859; 60 No. 138.

Revenue 1860-61, 11th
No. of Govt. 10th April

1859

Minute by the
President.
24th March 1860.

Resolved that
the Secretary be
directed to place
before the Board
the minutes of the
Board of Revenue
and to be satisfied
with the same.

20/8/59

1859 11/11/59
25/11/59

In the order of the 5th.

+ No. 346 para 5

217

4 With regard to the letter of the Deputy Collector enclosed in that of the Collector of Bellary, it appears to Government that the subject needs further investigation by the Board. The class of servants styled Bégáris is one in which, to judge by the account there given of them and of their services, (Para 5 & 6) it ought not to be maintained at all. The

maintenance of such a class
is an abuse and a source
of oppression and other evils,
and they should be everywhere
abolished. Their names will
be dealt with by the Indian
Commissioner, their fees will
cease, and they will
be

he relieved from their jobs
so far as that may be fair-
-ly considered as payable
from fees.

The following Minute by
the Honorable the
President is ordered
to be recorded—

11 April

The Board of Revenue Ciff 6
H. Kelly Esq. employed in Special Duty
William Connor Esq.
Inspector of Municipal Police

I continue to be in Bombay. As regards the Begars
I can speak from personal experience. Thirty four
years ago persons of this class performed for me the services
attributed to them in the villages between Koonch and
Ludhiana. I always remunerated them but it was fully
understood that they were under a necessity of giving me
their labour, and that they were not entitled to any remuneration
and ordinarily did not get any. The very name implies
this. It is high time that this barbarous practice
should be finally extinguished. The good wages given
by the Railways and Telegraph Companies will help us to do it
Wm. Connor
April 22 March 1860.

Copy in L.H. to Corp
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