M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 978	Press Mis.
147-148	
Dated 13-6- 1860.	

Not to be folded or roughly handled

12/9/23

Proceedings of the Madras Government, Revenue Department, 13th June 1860.

No. 147. Read the following letter from C. PELLY, Esq., Member of the Board of Revenue, to J. D. BOURDILLON, Esq., Secretary to Government, Fort Saint George, dated 25th May 1860, No. 298:—

1. I have the honor to submit a question for the consideration and Orders of Government which has, in my opinion, an importance as affecting the new Establishments, Táluq and Village.

2. In a Draft of Rules originally prepared by myself and submitted by the present Collector of Bellary for the revised Hukumnáma of that District, it was provided that the Village Authorities should have the power of receiving applications from Raiyats either for relinquishing or taking up land. They now exercise these functions. I argued that these duties were properly the functions of the Village Officers, and that the initiative should be taken by them under the general superintendence and control of the Tahsíldár and Collector. The other Members of the Board (as at present constituted) are, however, opposed to this view, and think that the Collector or Tahsíldár alone should be authorized to receive from Raiyats Rázínámas for relinquishing land, or applications for taking up new lands. This, in the view I have taken, would throw so much unnecessary work on the Tahsíldár, while it deprived the Village Officers of what is, I conceive, a very important and legitimate part of their duty, as to affect in both cases, *pro tanto*, the efficiency of the Offices. It is the desire of Government to give, in the Revenue Department, to every grade of officials a well defined and proper responsibility, subject to the control of the supervising authority, and especially to relieve Tahsíldárs of such work as may be more expeditiously and effectually performed by the proper Village Officers; and I think that no work, that can be done in a village by the Village officials, should be taken out of their hands, and laid on the Táluq officials.

3. But the views of my colleagues are apparently upheld by Government, for in their Proceedings of 5th March last, No. 346, in recommending an alteration of Section 6 of the Act IV of the proposed new Revenue Code, they provide that when a Raiyat relinquishes his holding, "a written notice of such intention must be given to the Collector or Tahsíldár." But as the revision of the Village Establishments has been entrusted to me, and "as the success "of the reform of the Táluq Establishments will" (as observed by Government in Proceedings, Madras Government, 3rd September 1859, No. 1,187, paragraph 4), "greatly depend on the "efficiency of those of the Villages; that is, in their being made capable of doing their proper "work without needing the aid of the Táluq servants." I have thought it incumbent on me to bring this question, affecting their functions, at once more prominently before Government, and in doing so beg to submit a Memorandum, which embodies my reasons for thinking that the Village Officers should, as a general rule, be entrusted with the duty of receiving from Raiyats applications for relinquishing and taking up land, and in the first instance disposing of such applications, with the remarks of Messrs. Hall and Clarke annexed to it, and to request that I may be instructed whether I should consider these duties as appertaining to the Village, or to the Táluq and Húzur Authorities. I purpose preparing Rules for the guidance of Village Officers in accordance with the Orders that I may receive from Government on this point.

MR. PELLY'S MEMORANDUM.

1. In the revised Hukumnáma Rules for the District of Bellary, I proposed, that relinquishments of, and applications for, land should be made by Raiyats to the Village Authorities, or to the Tahsíldár. The other Members of the Board have objected to giving the Village Authorities any powers in the matter. They think that they cannot be trusted with this duty and would require the Raiyat to apply direct to the Tahsíldár or the Collector.

2. Raiyats by the late Orders are required, if they wish to relinquish any part of their holding, to make the relinquishment before the 30th April, and it is the duty of the Village Authorities to register these relinquishments immediately, and to send up, in the month of May,

an account of all relinquishments to the Tahsíldár. If the Raiyat is compelled to proceed to the Tahsíldár or to the Collector, it is only exposing him to unnecessary trouble; or even if he sends in a written application, it will not suffice, as reference will have to be made to the Village by the Tahsíldár, to ascertain that all is right. I can see no harm likely to arise from allowing the Village Officer to perform this duty, and to take the initiative at least. If he performs it properly, (and why should he not?) he will see that the Raiyat fairly relinquishes the land, will make a correct entry of it in the Village account, and in his monthly returns duly report it to the Tahsíldár, accompanied by the Rázínáma of relinquishment, whose duty will be on his tour of visit to the Village, or from other information, to ascertain that the report is correct. By having to file a Rázínáma before the Tahsíldár or the Collector, the Raiyat is liable to much annoyance before he can get his business done. But I would not prevent his going to the Tahsíldár if he *prefers* to do so. It is urged that the Karanam may make fictitious entries of relinquishments, but they may commit other frauds, and none so easy of detection as a false entry of relinquishment, not *bonâ fide* made; for there will be the Rázínáma document to forge, the witnesses to suborn, and the land to be taken out of the possession of the Raiyat, before a successful fraud can be perpetrated. And, moreover, the Tahsíldár at his circuit, and the Collector at the Jamábandí, will have ample opportunities of detecting such frauds, as particular enquiry will no doubt be made concerning lands relinquished. Or it may be urged that the Karanam may destroy the Rázínáma, and deny that the Raiyat ever relinquished the land, and proceed to collect the Assessment on it. There may be such cases but not many, and on enquiry may be disposed of by eliciting the truth and acting accordingly; or, in cases of doubt, allowing the Raiyat to give up the land though after the authorised date. I cannot, therefore, see the necessity of taking out of the Village Officer's hands this duty, which it is his peculiar province to attend to, and burdening the Tahsíldár or the Collector with the initiative.

3. In applications for land also, why should not the old practice of applying to the Village Authority be continued? Even if it were not the practice, I can see no substantial reason for not now imposing this duty on the Village Officers, under ordinary supervision. I cannot see that there is any use in requiring that every Raiyat, who wishes to enlarge his farm, should go to the Tahsíldár to ask permission to do so. The Tahsíldár must refer to the Village Authorities after all, as he cannot possibly know so well as they do whether there is an objection or not or without their assistance ascertain what the land is that the Raiyat requires; and much time will be wasted, by perhaps hundreds of Raiyats from different Villages coming to the Táluq Kachéri applying for permission to occupy land, all of which applications must necessarily be referred to the Village for report. What harm is likely to arise from allowing the Village Authorities in the first instance, subject, in case of any dispute, to the orders of the Tahsíldár, to give away land to applicants under certain rules for their guidance as to precedence where there is more than one applicant? They can give the land as they now do, it is entered in the accounts sent to the Tahsíldár, and at the Jamábandí in the Raiyats Pattá. Surely this is quite enough check to prevent abuse.

4. I would also allow transfers of land from one Raiyat to another to be made in the first instance before the Village Authorities and reported by them for orders before the change in the Village Register is made, and so also with regard to lands of deceased and absent parties.

5. It is the object of Government to make the Village Establishments effective and to make the Village Officers perform their proper duties, and not to impose work which ought to be done by them on the Táluq and Húzur servants. The Táluq Authorities should superintend and control and should be relieved as much as possible from that mass of detail which only makes them inefficient.

6. The committal of these duties to the Tahsíldár and Collector has indeed been provided for in the proposed Revenue Code, but I am of opinion that this provision should be modified. I would request Messrs. Hall and Clarke to reconsider the question. I may add that Mr. Goldingham agreed with me in the views I have taken.

16*th May* 1860. (Signed) C. PELLY.

MR. HALL'S MEMORANDUM.

1. On the question of vesting Heads of Villages with primary power to dispose of applications to take up and abandon land.

2. Mr. Pelly considers that such power might, with advantage, be given to the Heads of Villages in which view, however, I totally differ from him.

3. Now that land, from the reduction of the Assessment on it, is acquiring a saleable value and an improved revenue system is being introduced, it is of the greatest importance that the Government waste lands should be fairly and justly assigned to parties desirous of occupying them.

4. The experience which I have had in Canara, North and South Arcot, has led me to the conclusion that the duty of disposing of applications for, and relinquishments of, land cannot be entrusted to the Heads of Villages, who are generally uneducated men, influenced by local party feelings and not capable of performing such a duty impartially and satisfactorily. I am perfectly certain that frauds, oppression and confusion would result from entrusting the Heads of Villages with such authority. It must be remembered that when once a person has obtained possession of land by a legalised process, he cannot be dispossessed by the Revenue authorities, although it may afterwards appear clear that he is not rightly entitled to have got it.

5. Mr. Pelly has assumed that the former practice always and every where was for Raiyats to apply to the Head of the Village when they wanted to cultivate land. Under the old system no written applications for new land were required, and Raiyats cultivated each year as much land as the Head of the Village could *persuade* him to hold.

6. Mr. Pelly appears to me to advocate a return to the old Dittam which has very properly been abolished. Since the revision of the Assessment took place in Fasli 1264, in South Arcot, the increase in the extent of land under occupation amounted in Fasli 1268 to 3,86,285 acres. The rule under which this large amount of land has been allotted was that the applicants should present their applications in writing to either the Tahsíldár or Collector. A reference was in each case made to the Village Officers and the applications were disposed of without unnecessary delay or inconvenience to any body with the advantage of a correct registry. This, I am sure, would not have been the case if Government had entrusted this duty to the Heads of Villages against whose proceedings there would have been, I may safely assert, innumerable appeals. I am inclined to think that the people themselves would prefer relinquishments of, and applications for, land being disposed of by the Tahsíldárs rather than by the Heads of Villages, and I do not believe that any greater delay would generally occur if the rule was universally acted on.

(Signed) A. HALL.

22nd May 1860.

MR. CLARKE'S MEMORANDUM.

I agree with Mr. Hall. I think many of the difficulties and evils connected with land which we are now endeavouring to correct arise from the power of granting and receiving back land, having been virtually left in the hands of Village Officers. The Dittam rules of Bellary forced in all Districts required that the Tahsíldár or some of the Táluq Staff should personally visit each Village, accept resignations of land, enter into engagements with Raiyats for new lands, settle disputes regarding occupation and receive Muchalkás. Tahsíldárs were unable to attend to this work, which was really left to the Village Officers. Men were in consequence saddled with land which they had abandoned, and charged with such as they had newly cultivated and the grossest favoritism, injustice and oppression were committed. The Village Officers as a body are not fit for the trust proposed to be placed in them. It may be very desirable to have as Village Officers, men of character and weight, but volumes of writing will not create them, and until we have this, are we to continue the evils which have attracted so much attention? I have always found much difficulty in securing regularity, correctness and accuracy in the preparation and submission of accounts from the Village Officers, and though

parties may give Rázínámas, we have no guarantee that they will be duly registered or submitted by the Village Officers, while the innumerable impediments thrown in the way of the acquisition of land by Village Officers, and the gross cases of hardship and oppression perpetrated by them are notorious. If the date of relinquishment is altered from the 30th of April to a more suitable date, so as to allow of a man's contracting his Punja holding when necessary, with reference to the state of the season, or what I would like better, if the Collector had a large and liberal discretion given him to remit Punja waste when the state of the season and not the Raiyats laches prevented its cultivation, the changes of land would be so few that any Tahsíldár of ordinary ability and diligence might attend to, and dispose of, the applications for land and Rázínámas without difficulty or delay. It is no doubt a hardship, that a Villager should have to travel some miles to give in his Rázínáma and show his Darkast, but this is the consequence of the rule which requires such instruments, and if they are to be of the slightest value, either in the common transactions of life or in a Court of Law, they must, I apprehend, be given before a more reliable and regular constituted authority than the Village Headman, and this hardship would be less than the insecurity and trickery to which he would be exposed from the Village Officer. I fear too that in disputes arising out of the favoritism and misconduct of the Village Officers, matters would be so complicated before they come before the Tahsíldár or Collector, that the difficulties in arriving at a correct judgment would be materially aggravated, and the number of appeals and complaints would occupy more time than the issue of orders on the applications submitted direct to the Tahsíldár, especially in Districts when the changes in a Raiyats holding are few.

(Signed) T. CLARKE.

No. 148. ORDER THEREON, 13th June 1860, No. 978.

1. In this letter Mr. Pelly puts before Government, as connected with the Settlement of the Táluq and Village Establishments, a question on which he is at issue with his colleagues, viz., whether Village servants ought to be authorized to receive and act on applications for land, or to accept resignations of land. Mr. Pelly is in favor of this course, Messrs. Hall and Clarke are against it.

2. Mr. Pelly argues that to refuse the power to the Village Officers involves unnecessary trouble to the Raiyat; that in any case the application must be referred to the Village Officers for report; and that it would be better for the application to be made there direct, the matter settled at once, and a monthly report sent in due course to the Tahsíldár who by the entries in the accounts would be enabled to check the correctness of such changes in his periodical tours. The argument of the untrustworthiness of Village officials he considers to be counterbalanced by the almost certainty of detection in case of fraud. The object of Government in revising the Táluq and Village Establishments being to give to each of those grades of officials "a well defined and proper responsibility" he considers it very desirable that the Village Officers should perform those duties which ought to be done by them instead of by the Táluq and Húzur servants. Transfers of land might be treated in the same way. Such a course of action would tend to relieve the controlling authorities from a mass of detail which goes far to render them inefficient.

3. Messrs. Hall and Clarke, on the other hand, take an entirely opposite view of the matter. They consider that Heads of Villages are neither by their education, impartiality, or trustworthiness, fit to exercise such authority. The fact that a man, once put in possession of land, cannot be dispossessed except by regular suit, necessitates a mode of assignment as fair and just as possible. The state of things which it is now the object of Government to remedy by an improved Revenue system has arisen in great measure, they consider, from the power which the first Member upholds having been exercised surreptitiously by the Village Officers, involving as it did "the grossest favoritism, injustice and oppression." The hardship attendant on a visit to the Tahsíldár for the purpose mentioned, is nothing when the greater security and reliability obtained thereby are considered. However desirable it may be that

Village officials should be men of character, the fact remains that they are, as a body, not fit for the trust proposed. An increased number of complaints on the part of the Raiyats, with greater complications and a diminished probability of unravelling them, would be the consequence of such a measure.

4. The present practice varies in different Districts. In some the Village Officers are allowed to exercise the power in question; in others it is strictly confined to the Tahsíldárs, The Draft of Act No. IV of the proposed Revenue Code, as approved by Government, confines the power to Tahsíldárs.

5. The Government have carefully considered the question and they are led to concur in the opinion of the majority of the Board. That opinion is in accordance, as already said, with the course laid down in the Revenue Code, which was not resolved on without much care and consideration. Heads of Villages are often so ignorant as to be quite in the hands of the Karanams, and both they and the Karanams have too many local interests and prejudices to be safely trusted with the distribution of land; and now that it is rising in value the registers, as important documents, should not be altered without the cognizance and orders of authority superior to Village interests.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

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№ 978

Proceedings of the Madras Government

Under date the 13th June/60

Read the following letter from C. Pelly Esqr.
Member of the Board of
Revenue.

Submitting for the consideration and orders of Govt a question concerning the authority to be entrusted with the power of receiving applications from Ryots either for relinquishing or taking up lands accompanied by copies of Memoranda recorded by him and his colleagues in the Board.

(Here enter 25 May/60 №298)

Paingats

List—

1 In this letter Mr Pelly ~~submits a proposal~~ puts before Govt, as connected with the settlement ~~now about to be~~ of the Taluq and Village Cutcheries, as affecting the Establishments, a question on which he is at issue with ~~three~~ the Taluq Collectors his Colleagues viz whether the village servants ought not to be authorized to receive and take the initiative in such proceedings

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4 Copies to C. Pelly Esq^r Dist^t 14
11 " Board of Revenue
4 " Comm^r of Mofussil Police
4 " Inam Commissioners

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Revenue 1860 Departt.
Pro: of Govt. for June-

No. 978.

Pro: of the Madras Govt.

Dy 13th June 1860.

Concurring in the opinion of the majority of the Bd. on the question whether Village Servants ought to be authorized to receive and act on applications for land or to accept resignations of the land.

No 147 & 148.

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