M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1981 — Press / ~~Mis.~~

178—179

Dated 14—10—1861.

Not to be folded or roughly handled

No. 178. Read the following Proceedings of the Board of Revenue, dated 29th July 1861, No. 4,064:—

Read the following letter from the Collector of Coimbatore, dated 12th July 1861, No. 154.

(In Cons. 17th July 1861, No. —.)

In Cons., 25th May 1860, No. 2,445. In Cons., 8th September 1860, No. 4,496.

1. In their Order of 23rd May 1860, No. 832, Revenue Department, on Mr. Thomas' letter of 3rd April 1860, bringing forward the subject of selling the right of occupying waste land, the Government expressed their opinion that the course proposed was "very "expedient and proper where there are no Mirási or other "preferential rights," and in their later Proceedings of 7th September 1860, No. 1,545, Revenue Department, the Government more fully explained the cases in which they consider that the course proposed may properly be adopted, and those in which it is "the only right mode of proceeding," these last being cases, as that of a ruined tank, the repair of which is not considered advisable, where the prior occupation of the spot by Government for public purposes has added to the value of the land, as for instance in the case of the tank by the rich accumulation of silt.

2. The principle approved by Government is applicable, and has been applied to the lands of deserted villages, of thinly populated parts of the country, and of desirable plots in the larger villages, where special circumstances attract rival applicants possessing equal claims and ample capital, and where the occupation right is a valuable property which can be most fairly disposed of by public competition.

3. Mr. Thomas thinks that thus restricted, the system is not productive of that advantage and benefit to the State which is to be derived from it, and advocates the sale of the right of occupation in all waste land for which application may be made, reserving to the resident villagers who may be *bonâ fide* purchasers a remission of 25 per cent. of the purchase money, in recognition of their preferential claims.

4. The Board fully agree with Mr. Thomas in the belief that something is needed to make the raw material, the unoccupied waste, more available than it now is to the capitalist seeking a profitable investment in land, and viewing the interests of the State and of the community as identical, they would not advocate restrictions for the benefit of the few which might be injurious to the many.

5. Where then land is abundant and in excess of the real requirements or means of the resident villagers, and where rival applicants possessing equal claims seek a particular spot, the Board think that none are injured by the sale of the right of occupation, reserving the right of Government to its revenue from the land, and the general community is benefited.

6. The Board are fully alive to the importance of reducing the number of what are styled "pauper proprietors" who ought more properly to be in the position of farm laborers; but they look to the ordinary operations of greater wealth and improved circumstances in the general community to effect this result, by the gradual accumulation of valuable lands in the hands of the class possessing capital, and recognizing as they do certain preferential rights in the ancient village residents, the Board are not prepared to advocate the establishment of an unvarying rule which would have the effect of placing the poorer villagers, in spite of their common right, at a disadvantage when compared with a more wealthy stranger, in their relation to the waste lands of the village, however limited their extent.

7. Fairly worked the Board consider that the liberty conceded by Government is sufficient to meet the present requirements of the case.

8. The redemption of the land tax generally, to which Mr. Thomas adverts, is altogether a distinct subject into which the Board do not see any necessity for entering at present.

9. They observe that the sale of the right of occupying the Polachy lands, referred to in the last paragraph of Mr. Thomas' letter, has been already sanctioned.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 179. ORDER THEREON, 14th October 1861, No. 1,981.

1. The Collector of Coimbatore re-agitates the question of selling by auction, with reservation of the land tax, all the waste and unoccupied land in his District, the results of which measure will, he states, be the bringing of much land now lying waste and unproductive under the plough, the creation of substantial ryots, and the improvement of the Government resources. Mr. Thomas so far modifies his former views in favor of the resident ryots, as to recommend the remission to them of 25 per cent. of the purchase, should any of them become *bonâ fide* purchasers at a sale. The Board of Revenue do not go with the Collector to the full extent in his views; but would only sell land where it is abundant and in excess of the real requirements or means of the resident villagers, and where rival applicants possessing equal claims seek a particular spot.

2. The Board send up the Collector's letter and their own Proceedings thereon, apparently for information merely; as they declare the power with which they are now vested sufficient; and they have exercised it in the cases put forward by Mr. Thomas. In paragraph 4, however, they agree with him in thinking that something more is needed to make waste land available to the capitalist; and the Government would wish therefore to be informed what special obstacles there are to the occupation of waste in Coimbatore, and how they can be overcome without infringing those rights of the people to which the Board allude in paragraph 6. Saving just rights, the object of Government is obviously to break down all monopoly in land.

3. The Government also wish the Board to ascertain what assessment the Collector imposes on land sold by him; whether the regular tarum assessment, or a lower one consequent on the land being sold. It should also be stated whether the rule of requiring ryots to pay for all land not given up by the prescribed date is strictly observed in Coimbatore.

4. The Government observe that the Collector makes no allusion to the Despatch of the Home Government, dated 23rd March 1861, No. 22, on Proceedings of this Government, dated 7th September 1860, No. 1,545, the Board will communicate it to him if this has not already been done.

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

IN CONS. 17TH JULY 1861, No. 4,408.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated 12th July 1861, No. 154.

With reference to the Proceedings of the Board of Revenue, dated 27th July 1860, No. 3,467, and Government Order thereon, dated 7th September 1860, No. 1,545, I would with all deference beg permission to bring the subject (one of much revenue and fiscal importance) once more under the consideration of the Board and Government. My experience as an old revenue servant of Government, leads me strongly to the opinion that the main points I advocate are sound and advisable; especially now, when public funds are at a low ebb, and private native capital is ready and anxious, if only allowed, to come into fuller play.

2. I maintain that in all Ryotwar districts (where no Merassy rights exist), the jungle and waste is the proper and legitimate resource of Government; that it may be safely and advantageously sold (with a light and moderate annual assessment); and further, that if Government can spare them, the proceeds should be laid out on the district yielding them. I would also submit, that the redemption of the land tax may be safely and *generally* allowed, if sound in principle, on the hills and in special localities; it is sound on the whole; it is not at all likely to be as yet taken *general* advantage of, but gradually and slowly. I advocated it five years ago. It has been partially permitted and encouraged in orders of Government, dated 7th September 1860, No. 1,545. I think it might be safely and beneficially extended.

3. There *can* be no doubt, surely, that a public sale is the *best* test of the value of land, and that it is for the advantage of Government and for general improvement that land should fall into the hands of substantial, not pauper, tenants. The tenure here is *Ryotwar*, where Government *claims* all *bonâ fide* waste and unoccupied land, and where there *are* no real private or "Merassy" rights of *waste* to be interfered with; land *bought* will be usually held, and *valued*, and improved more carefully. The neighbouring local Ryots may have a claim, and I would allow it, by remitting 25 per cent. to *them*, if *bonâ fide* purchasers at a sale, but they are *often* too *poor* to wish for, or to improve the land; *they* cannot hold or manage more than they already possess (usually their paternal farm). It does not need argument to show that *such* land may safely and advantageously go to other more *capable* and willing cultivators. Government should not, and need not, keep unproductive and waste a *surplus* of useful raw material (land) till all the pauper Ryots in that neighbourhood have the power and the will to use it; that would be needlessly *to retard* improvement, and lose for an indefinite period a just and recognized resource of Government—a resource too which the people are *desirous* to be allowed to promote by *willing* purchase, outlay, and improvement. In calling the waste the legitimate resource of Government (and a very valuable one both for present and future return), I am only advocating and *repeating* what Sir Thomas Munro and all our best Revenue authorities have already *laid down*, and instead of the returns being "trifling" (as supposed), they would be *large*, ex. gr. 18,000 Rupees worth already sold in a few instances in Coimbatore, all of which land is now under cultivation, and yielding valuable return both to Government and Ryot. Government having already reaped the first-fruit in the shape of *purchase** money, and every acre of it paying *also* an average *yearly* revenue to Government—all of it under cultivation and improvement—none in any instance left waste, but all yielding profit to the owners, it may truly be called, as of old, "*justissima tellus.*"

* For right of occupation the redemption price is still in store for Government.

4. The applicants to purchase are in most instances wealthy Ryots of the *same* district, who would not be supposed to ignore or intrench on any known or admitted claims of their poorer brethren; the fact is, a claim to the waste is *not* held or advanced in this district; to *create* such a claim now, would only tend to retard improvement and outlay of capital; while it would not positively benefit those whose supposed claims it referred to; let all appropriated, purchased, or fairly

acquired land and claims be scrupulously respected and upheld; but the unappropriated waste and jungle is the fair property and resource of *Government* with a *moderate* assessment fixed on it. I would beg respectfully to refer once more to my letter of 3rd April 1860, No. 9.

I would therefore argue,

1st.—That it is for the clear and positive benefit of both Government and Ryot that such waste should be redeemed from an unproductive state, and brought under the plough.

2ndly.—That substantial, wealthy and willing purchasers are the most *likely* parties to do justice to, and improve the lands.

3rdly.—That a public sale under *such* circumstances is the best and safest practical test of value, and most likely to throw the land into the hands of improvers.

4thly.—That if such improvers are willing and anxious to *pay*, first, for the privilege and right of occupation, and secondly, a fair light *annual* tax on the land, it must surely be right and sound to sell such land, and thus improve Government resources, the country, and private capital at the same time.

5. Above I have chiefly referred to waste land near villages, but to my letter of 23rd November 1860, I think the objections held by the Board, can have *no* weight. The land in Pollachy referred to is in dense heavy jungles *far* from all villages or local claims, needing to be cleared if only for health, and to drive back the wild animals, and for such, the people (seeing the *soil* is good) are *anxious* to *compete* at large prices. I would hope the Board and Government will permit me to sell such, and judge if the results are "trifling."

Exd. J. Tulloch.

No. 4,064.

Proceedings of the Board of Revenue, dated 29th July 1861.

Read the following letter from the Collector of Coimbatore, dated 12th July 1861, No. 154.

(In Cons. 17th July 1861, No. —.)

1. In their Order of 23rd May 1860, No. 832, R. D., on Mr. Thomas' letter of 3rd April 1860, bringing forward the subject of selling the right of occupying waste land, the Government expressed their opinion that the course proposed was "very expedient and proper where there are no Mirasi or other preferential rights," and in their later Proceedings of 7th September 1860, No. 1,545, R. D., the Government more fully explained the cases in which they consider that the course proposed may properly be adopted, and those in which it is "the only right mode of proceeding," these last being cases, as that of a ruined tank, the repair of which is not considered advisable, where the prior occupation of the spot by Government for public purposes has added to the value of the land, as for instance in the case of the tank by the rich accumulation of silt.

In Cons. 25th May 1860, No. 2,445.

In Cons. 8th September 1860, No. 4,496.

2. The principle approved by Government is applicable, and has been applied to the lands of deserted villages, of thinly populated parts of the country, and of desirable plots in the larger villages, where special circumstances attract rival applicants possessing equal claims and ample capital, and where the occupation right is a valuable property which can be most fairly disposed of by public competition.

3. Mr. Thomas thinks that thus restricted, the system is not productive of that advantage and benefit to the State which is to be derived from it, and advocates the sale of the right of occupation in all waste land for which application may be made, reserving to the resident villagers who may be *bonâ fide* purchasers a remission of 25 per cent. of the purchase money, in recognition of their preferential claims.

4. The Board fully agree with Mr. Thomas in the belief that something is needed to make the raw material, the unoccupied waste, more available than it now is to the capitalist seeking a profitable investment in land, and viewing the interests of the State and of the community as identical, they would not advocate restrictions for the benefit of the few which might be injurious to the many.

5. Where then land is abundant and in excess of the real requirements or means of the resident villagers, and where rival applicants possessing equal claims seek a particular spot, the Board think that none are injured by the sale of the right of occupation, reserving the right of Government to its revenue from the land, and the general community is benefitted.

6. The Board are fully alive to the importance of reducing the number of what are styled "pauper proprietors" who ought more properly to be in the position of farm laborers, but they look to the ordinary operations of greater wealth, and improved circumstances in the general community to effect this result by the gradual accumulation of valuable lands in the hands of the class possessing capital; and recognizing as they do certain perferential rights in the ancient village residents, the Board are not prepared to advocate the establishment of an unvarying rule which would have the effect of placing the poorer villagers in spite of their common right at a disadvantage when compared with a more wealthy stranger, in their relation to the waste lands of the village however limited their extent.

7. Fairly worked the Board consider that the liberty conceded by Government is sufficient to meet the present requirements of the case.

8. The redemption of the land tax generally, to which Mr. Thomas adverts, is altogether a distinct subject into which the Board do not see any necessity for entering at present.

9. They observe that the sale of the right of occupying the Polachy lands, referred to in the last paragraph of Mr. Thomas' letter, has been already sanctioned.

(A true Extract.)

Secretary.

To E. B. Thomas, Esq., Collector of Coimbatore.

Copy to J. D. Sim, Esq., Secretary to Government, R. D., for information.

Exd. J. Wright.

Revenue Sepr

No 1981

Proceedings of the Madras Government

Under date the 11th October 1861.

Read the following Proceedings of the Board of Revenue.

Submitting with remarks a letter from the Collector of Coimbatore advocating the sale of waste lands. (Recd enter 29th July 1861 No 10649)

The Collector of Coimbatore negatives the question of selling by auction, with reservation of the land tax, all the waste and unoccupied land in his district, the results of which measure will, he states, be the bringing of much land now lying waste and

W. M-

Rec'd 1861 for Collector.

(2) Proceedings of the Board of Revenue

Dated 29 Aug 1861

Despd 3 Septr

Recd 5 Sept

Ent

Copy sent

Submitting with Letters & Annexures a Letter from the Collector of Coimbatore advocating the Sale of Waste Lands -

Memo

This may be recorded - The subject will soon come on in a more tangible shape (Letters in favor of Legislative sanction) & can be then dealt with - No orders seem necessary now -

Rec'd 23rd May / to No 36-37.
" 4th June / to " 121 & 122

-also to an extract from the Proceedings of the Board of Revenue

Dated 29th August 1861

Despd 3 Septr

Recd 5 Sept

Entered

Copy sent

Submitting with Letters & Annexures a Letter from the Collector of Coimbatore advocating the Sale of Waste Lands -

Memo

Rec'd 1861 for Collector.

(2) Proceedings of the Board of Revenue

Dated 29 Aug 1861

Despd 3 Septr

Recd 5 Sept

Ent

Copy sent

Submitting with Letters & Annexures a Letter from the Collector of Coimbatore advocating the Sale of Waste Lands -

Memo

This may be recorded - The subject will soon come on in a more tangible shape (Letters in favor of Legislative sanction) & can be then dealt with - No orders seem necessary now -

Rec'd 23rd May / to No 36-37.
" 4th June / to " 121 & 122

-also to an extract from the Proceedings of the Board of Revenue

Dated 29th August 1861

Despd 3 Septr

Recd 5 Sept

Entered

Copy sent

Submitting with Letters & Annexures a Letter from the Collector of Coimbatore advocating the Sale of Waste Lands -

Memo

This may be recorded - The subject will soon come on in a more tangible shape (Letters in favor of Legislative sanction) & can be then dealt with - No orders seem necessary now -

Rec'd 23rd May / to No 36-37.
" 4th June / to " 121 & 122

-also to an extract from the Proceedings of the Board of Revenue

Dated 29th August 1861

Despd 3 Septr

Recd 5 Sept

Entered

Copy sent

Submitting with Letters & Annexures a Letter from the Collector of Coimbatore advocating the Sale of Waste Lands -

Memo

This may be recorded - The subject will soon come on in a more tangible shape (Letters in favor of Legislative sanction) & can be then dealt with - No orders seem necessary now -

Rec'd 23rd May / to No 36-37.
" 4th June / to " 121 & 122

-also to an extract from the Proceedings of the Board of Revenue

Dated 29th August 1861

Despd 3 Septr

Recd 5 Sept

Entered

Copy sent

Submitting with Letters & Annexures a Letter from the Collector of Coimbatore advocating the Sale of Waste Lands -

Memo

and unproductive under the plough, the creation of substantial ryots, and the improvement of the Government resources.

Mr. Thomas so far modifies his former views in favor of the resident ryots, as to recommend the remission to them of 25 per cent of the purchase should any of them become bonâfide purchasers at a sale. The Board of Revenue do not go with the Collector to the full extent in his views; but would only sell land when it is abundant and in excess of the real requirements or means of the resident

resident villagers, and where rival applicants possessing equal claims seek a particular spot.

2.— The Board send up the Collectors letter and their own Proceedings thereon, apparently for information merely; as they declare the power with which they are now vested sufficient; and they have exercised it in the cases put forward by Mr. Thomas. In para 4 however, they agree with him in thinking that something more is needed to make waste

waste land available to the capitalist; and the Government would wish therefore to be informed what special obstacles there are to the occupation of waste in Coimbatore, and how they can be overcome without infringing those rights of the people to which the Board allude in para 6. Saving just rights, the object of Government is obviously to break down all monopoly in land.

3 The Government also wish the Board to ascertain what assessment the Collector imposes on land sold by him; whether the regular

tarum assessment or a lower one consequent on the land being sold. It should also be stated whether the rule of requiring ryots to pay for all land not given up by the prescribed date is strictly observed in Coimbatore.

4.— The Government observe that the Collector makes no allusion to the Despatch of the Home Government dated 23d March 1861 No 22, on Proceedings of this Govt dated 7th September 1860, No 1545, the Board will communicate it to him if

if this has not already
been done.-

14 Copies
To the Boards of Revenue.
Cirs 15-

Question of
Selling Waste Land
in Coimbatore.

Revenue 1861 Depart.
Pro: of Govt. for October

No. 1981.

Pro: of the Madras Govt.
Dy 14th October 1861.

From Bd 19th May for Ct No 1493.
(Represented in para 2 & 3 of the Order).

In Council

Boards Proceedings subs-
mitting a letter from the Collector
of Coimbatore advocating the
sale of Waste lands, with
orders thereon -

No 1784 179.