M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2058	Press Mis.
329.330	
Dated 28-10-1869.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 28th October 1861.

No. 329. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 18th October 1861, No. 5,750 :—

SIR,

1. The Board having observed that the Extract Minutes Consultation, dated 1st May 1858, No. 556, forwarding to them Mr. Dykes' Pamphlet on the Ryotwary tenure for report, is still entered as an arrear against them, direct me to submit the following remarks in view to the removal of the reference from the Arrear List.

2. The Board consider that the interest manifested by Mr. Dykes in the prosperity of the agricultural classes is deserving of all praise, but they do not think that that prosperity will be promoted, or the Ryots' rights secured by the publication of narrowly defined rules which will be effectual to exclude as well as to retain, and which it may be feared will in practice be found to infringe the rights which it is sought to define and protect.

3. As an instance of this the Board would point to Clause 2, Rule 6 of Mr. Dykes' General Manual, which declares that Ryots holding their land on Patta cannot recover their rent from sub-tenants by summary process, but must have recourse to Civil suits.

4. This ruling is absolutely and mischievously incorrect, and is directly opposed not only to the ruling of the Sudder Court on the subject, but also to the provisions of Regulation V of 1822, and to the entire spirit of the legislation on the subject, which throughout proceeds on the principle that as the individual directly liable to Government for the land tax can be dealt with summarily if he falls into arrears, so it is not more necessary than strictly equitable that he should be similarly empowered to recover from his sub-tenant by summary process his legal dues, on the prompt realization of which his own ability to meet the Government demand primarily depends.

5. There are many other of the rules, such as those relating to the sub-division of fields, to applications for land, relinquishments of land, realization of arrears from Ryots, and to private works of irrigation, which are more or less obsolete or run counter to the existing rules on the subjects, while others such as that making a charge on the Ryot for a changed Patta involve a principle of importance which cannot be dealt with in so summary a manner.

6. On the whole the Board are decidedly of opinion that the time has not yet arrived when the adoption of such a Manual for guidance could be directed without great risk of injury to individual rights. The steady attention of Government and the Board has for some years past been devoted to the removal of all objectionable features from our Revenue system, and when some years hence greater uniformity of practice may have become possible than is now the case, the compilation of such a Manual and its authoritative introduction as an official guide may be found feasible, though it is to be hoped that the greater part of the rules will then be unnecessary.

No. 330. ORDER THEREON, 28th October 1861, No. 2,055.

1. The Government concur with the Board that the time has not yet arrived for the preparation of an uniform set of Rules for the Revenue administration of the Presidency, and the reference in question may be removed from their Arrear List.

2. The Board should call in the Hukumnámáhs of the Districts and carefully revise each in turn.

3. With reference to the remarks of the Board in paragraphs 3 and 4 of this letter, the Government will only observe that definitions of the rights of individuals *inter se* should have no place in "Hukumnámáhs," which are not intended to take the place of laws.

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

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the place of laws

Fort St George
28th Oct 61

I. W. S

14 Copies
To the Board of Revenue
Dispt 29

1st May 1858 No 37 38

Govt 1861 Default to
No 3 Govt for October.
From No 2478

The Secretary to the
Board of Revenue

To The Secretary to
Government N. D.

Dated 18th October 1861
Desp. 18th Do.
Rec'd. 19 Do
No. 5750

Reporting on a
Mr. Dykes pamphlet
respecting Hyatawary
tenure.

No 329 & 330.

No. 2055. 28th October
with papers

c 23d October R 24th

No. 2055

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The Board should call
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With reference to the re-
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3 and 4 of this letter the Govt
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