M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2133 — Press ~~Mis.~~

94-95

Dated 7 — 11 — 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 7th November 1861.

No. 94. Read the following Proceedings of the Board of Revenue, dated 21st June 1861, No. 3,217 :—

Read letter from the Collector of Coimbatore, dated 21st February 1861, No. 40.

(In Cons. 28th February 1861, No. 1,300.)

In Cons., 30th January 1861, No. 583.

1. In paragraph 4 of Government Order, dated 29th January last, Revenue Department, No. 226, the Board were directed to report fully on the "Grass Patta" system of the Neilgherries.

2. The Collector was accordingly requested to submit a report on the subject. In his letter recorded above he replies to this call, and refers the Board to the correspondence which has already passed on the subject.

3. In the Coimbatore District, it has long been the usage to allow a Ryot to retain under fallow by the distinctive designation of "Ain grass" and at a reduced assessment, a certain proprotion of his entire holding. The extent thus held must not exceed one-fifth of the Ryot's Putkut or regular holding, and the reduced rate charged is one-fourth of the assessment. The custom has its origin in the admitted poverty of the soil which characterizes the District, and this fallow land, which is an integral part of the Ryot's Estate, is held on as safe a tenure as the rest of the land for which full assessment is paid. In the Order of Government, dated 10th March 1860, No. 364, Revenue Department, paragraph 9, this practice was formally recognized and confirmed.

In Cons, 10th March 1860, No. 1,121.

4. The same usage occurs on the Neilgherries and is free from objection, but it is obvious that the concession may without difficulty be abused, and the European settlers complain that the land actually held by a Ryot is not propely defined in his Patta and consequently that fictitious claims are easily set up to land required by strangers who have no alternative but to buy out the claimant or seek land elsewhere.

5. Another subject of complaint is the practice of "shifting Pattas." On this the Collector writes, "A man held a Patta (say) for 10 Bullahs, he cultivated only 10 and paid for "10, but his claim or supposed right, ranged over 50 or 100 Bullahs, and he shifted his 10 Bullahs "from old and exhausted to new land, year by year, returning, after every four or five years, to "the old spots." The Collector ascribed this to necessity, the soil being very poor, and he proposed as a remedy that double the extent of land actually paid for in each village should be allotted to the Burghers. It is easy to see how obstructive such a system must be to the acquirement of land by strangers. The Burgher may indeed be required to "fix" his Patta, that is, to declare what land he will elect to retain, but it is open to him to select the very land required by the planter, and thus keep the latter out, or force him to buy up the claim.

6. Again grazing Pattas which are given for inferior land designated "Parava-pillu-vari" lands allowed to be held for pasture at quarter assessment as long as they are not applied for by another person for cultivation, are complained of, in so far as they are held to give a preferential right to the land thus occupied on reduced assessment, when it has to be decided who shall be allowed to hold it on full assessment.

7. These the Board believe are the main subjects of complaint, and they proceed to point out the remedy, so far as they consider them admissible.

I. All land held by a Burgher or any one else on a regular Patta must be so defined as to admit of identification, and both the land held on full assessment and the one-fifth fallow held on one-fourth of the assessment must be so defined and included in the Patta.

II. When a Ryot fails to pay his assessment, under circumstances which do not entitle him to remission, his right to the land lapses. This is the rule in the plains, and there is no reason why it should not be the rule on the Hills also, the Ryot everywhere having the right of selling or transferring his land whenever he pleases; and on this principle when a Ryot "shifts" his Patta, the land he has relinquished ceases to be his and is available for the first applicant, to whom the Collector at his discretion may transfer it. So long as unoccupied land is abundant,

there is no objection to the Burgher "shifting" his cultivation as much and as often as he pleases but he cannot reasonably claim a right to all the land which in a series of years he has thus occasionally cultivated, still less can Government in justice to the general community admit such a right. Now that land required on the Hills by European Settlers for agricultural purposes is invariably sold by auction, subject to an unvarying annual assessment of 1 Rupee per acre, while the Burgher can at any time take it up on Patta, at rates of assessment generally below that sum, there is clearly no reason why any further concession should be made to the latter.

The Board are aware that in Mr. Thomas' opinion a large portion of the land held by the Burghers cannot be cultivated year after year. The remedy is to reduce the assessment so that all classes may benefit equally ; not to allow Burghers to hold perhaps ten acres at the assessment of one, while European and others pay for every acre they appropriate ; and if the Collector considers the assessment too high, he should propose a reduction, giving his reasons for the same, but he must bear in mind that in assessing land it is always supposed that the system of culture is ordinarily good, and it may be doubted whether this is the case as regards the Burghers.

III. In regard to the "Grazing Pattah," the free option given to the holder of retaining on payment of the full assessment land which *he* has long occupied for grazing purposes *at quarter assessment*, in the event of its being applied for by another party for cultivation, is no more than is allowed by orders of Government to the resident villagers throughout the country in connection with the waste land included in their village limits but for which *they* have paid *nothing whatever* to Government, and from this point of view the Coimbatore privilege does certainly not appear unreasonable. The objection that land will not be *retained* on full assessment longer than may be necessary to defeat the objects of the new applicant has been urged with equal force against both systems, and, in the Board's opinion, is certainly not entitled to more weight in Coimbatore than elsewhere.

8. The abuse of a privilege is to be guarded against, but is not a sufficient reason for withholding what general principles of good policy would concede, and that the original occupants of any particular locality have certain preferential rights of common over new comers is recognized in every civilized system of polity.

9. That such a right has been paid for by a villager should certainly strengthen his claim rather than weaken it.

10. The paramount importance in an agricultural community of a sufficient extent of grazing land to maintain an ample stock, is even more than ordinarily indisputable in a naturally poor country like Coimbatore, where the requisite extent must be greater to provide the same amount of nourishment for the cattle and the necessity for an abundant supply of manure is more imperative, and the Board would strongly deprecate any innovations which might tend unduly to restrict the facilities for attaining these objects.

11. While however they thus consider that "Grazing Pattas" are unobjectionable so long as the system is worked as fairly as circumstances may allow, they have no desire to extend the privilege beyond its proper limits, or to allow the concession to be abused to the injury of "*bonâ fide*" applicants for land for cultivation.

12. They consider therefore that it should be insisted on as a rule that land which has been confirmed on the full assessment to the prior occupant under a "Grazing Patta" shall not be allowed to revert to the quarter assessment while retained by him, except in the due proportion of fallow to the entire holding which is permitted by the standing rules of the District, and that in token of the inferior nature of the title conferred by a "Grazing Patta" it shall be required that it be renewed every year, at least by an endorsement to that effect on the last year's document.

13. Thus a Ryot on the Hills as on the plains would retain in grass one-fifth of his entire holding at quarter assessment as necessary fallow ; he could also of course hold on full assessment but for grazing purposes as much land as it might suit him to retain, and the inclusion of such land in his Patta under the designation of "Putkut waste" should be altered. So long as the full assessment is paid, the Officers of Government have no concern with the

Proceedings of the Madras Government, Revenue Department, 7th November 1861.

purpose to which the occupant devotes the land, and the extent so held should be entered under its regular class as Nanja or Punja.

14. The Ryot could further hold under grass on quarter assessment so long as it might not be sought by another party for cultivation such extent of the "Parava-pillu-vari" land as he might require.

15. Beyond this it seems unnecessary to make any concessions to the Burghers individually, which may tend to exclude European settlers.

16. The Board recognize the necessity of allowing to each village a certain extent of common out of the waste in the vicinity, but they cannot adopt the Collector's proposal to fix it at the same extent as the aggregate cultivated holdings of the inhabitants and would limit it to such extent as may be necessary for cattle krauls, and other common village purposes.

17. If Government approve the Board's suggestions the Pattas for the ensuing Fasli should be carefully prepared and cheap though durable and sufficient boundary marks erected.

18. The above observations are not intended to apply in any way to the Todas, who are altogether an exceptional race.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 95. ORDER THEREON, 7th November 1861, No. 2,133.

1. The Government approve the Board's proposals, as they seem to meet the objections raised to the "Grass Patta" system of the Neilgherry Hills, but it is essential that the holdings should be properly defined by durable boundaries, and carefully specified in the Pattas.

2. As to the "Grazing Pattas" referred to in paragraph 11, the Government think the Board's reasoning somewhat questionable. Such land is taken up by the Burghers merely for pasturage, without any idea of improvement ; and the Government would, therefore, regard the tenure as annual, and carrying with it no preferential title.

3. The Burghers, like the Ryots of Coimbatore, have the unusual privilege of retaining $\frac{1}{5}$th or 20 per cent. of their holdings at $\frac{1}{4}$ of the assessment for fallow and pasturage. If they wish to take up additional land at $\frac{1}{4}$ instead of full assessment, the Government do not see why this small payment should give them more than they seek, viz., the right of pasturage for the year. The preferential right which the Board would give enables the Burghers virtually to exclude strangers. In the plains with a settled population and definite boundaries such a preferential right may be conceded without much risk of abuse, but it is otherwise on the Hills, and the Government cannot concede the privilege there.

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

In Cons. 28th February 1861, No. 1,300.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated 21st February 1861, No. 40.

In reply to the Proceedings of the Board of Revenue, dated 2nd instant, No. 578, I have the honor to report that the "Grass patta" system on the Neilgiris is much the same as that in use in the plains of the district, as per Hookoomnamah sanctioned by the Board of Revenue in their Secretary's letter, dated 1st April 1841, with reference to which a Ryot is allowed to hold one-fifth of his putcut or entire farm as pasturage, on payment of one-fourth of the full assessment.

See Government Order, 10th March 1860, No. 364, paragraph 9.

2. The hill grass system has been so fully discussed in the correspondence noted in the margin, that the Board have everything relating to it on their records. With a view however to give a clear idea of the system in question, I beg to quote the Board's own words, as expressed in the Extract from their Proceedings, dated 1st June 1857, No. 1,853. "The Board do not "object to the Burghers being permitted to "hold a certain portion of their putcut as pasture, "according to the Hookoomnamah of the district. "The rule on this point allows one-fifth of the "putcut to be held on one-fourth of the fixed "assessment. To this extent and on the terms "thus laid down, the occupant will not be disturbed on others competing for the land, nor need be ousted in regard to the excess if willing to pay the full assessment, provided the said excess has been *bonâfide* held by him under a putta, and is not merely taken up at the time to prevent the occupation of others."

To Board, 14th January 1857, No. 8.
Extract from the Proceedings of Board, 9th February 1857, No. 457.
To Board, 19th March 1857, No. 43.
Extract from the Board's Proceedings, 1st June 1857, No. 1,853.
To Board, 16th April 1857, No. 54.
Extract from the Board's Proceedings, 8th June 1857, No. 1,922.
Board's letter to Government, 11th August 1857, communicated in Board's Proceedings of 21st September 1857, No. 3,127.
To Board, 22nd October 1857, No. 175.
From do. 24th November 1857, No. 4,097.
To do., 13th April 1858.
From do., 25th May 1858, No. 1,851.
To do., 16th August 1858, No. 134.
From do., 2nd October 1858, No. 3,691.
To do., 4th January 1859, No. 4.
From do., 30th March 1857, No. 1,110.
To do., 8th July 1859, No. 123.
From do., 6th October 1859, No. 4,022.
To do., 26th do. No. 198.
From do., 21st January 1860, No. 342.

which the occupant devotes the land, and the extent so held should be entered under its regular class as Nunjah or Punjah.

14. The Ryot could further hold under grass on quarter assessment so long as it might not be sought by another party for cultivation such extent of the "Parava-pillu-vari" land as he might require.

15. Beyond this it seems unnecessary to make any concessions to the Burghers individually, which may tend to exclude European settlers.

16. The Board recognize the necessity of allowing to each village a certain extent of common out of the waste in the vicinity, but they cannot adopt the Collector's proposal to fix it at the same extent as the aggregate cultivated holdings of the inhabitants and would limit it to such extent as may be necessary for cattle krauls, and other common village purposes.

17. If Government approve the Board's suggestions the Puttahs for the ensuing Fusly should be carefully prepared and cheap though durable and sufficient boundary marks erected.

18. The above observations are not intended to apply in any way to the Todas, who are altogether an exceptional race.

(A true Extract.)

L. Southerton

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to E. B. Thomas, Esq., Collector of Coimbatore.

Wright.

Rev Sept

No 2133

Proceedings of the Madras Government
Under date the 1st November 1861.

Read the following
Proceedings of the Board
of Revenue.

Submitting a letter
from the Collector of Coimbatore (Pro. under date 21st June No 3217)
forwarding an Report
Puttah system of the Neilgherry Hills.

The Government

Approve the Proceedings
herein recorded, and
direct the Collector to
the objections raised
"grass Puttahs" of
the Neilgherry Hills, but
that Government
Collector should be
hereby requested
circumstances, specially
exceptions the Puttah

to the grazing
Puttahs" reserved to
Para 11, the Government
thinks the Board's
Government

3/9/54
R- 10th March /60 No 77-
R- 29th January /60 — 449a
454

+
pasturage - If
they wish to take
up additional
land at the usual
& fair assessment I
do not see, why this small
payment should
prevent them since the
they seek - viz the
right of pasturage
for the year - The pre
ferential right when
the Govt resolve pre
empties the Ryotes
virtually to exclude
strangers. I D.S.

(1)

Rec'd 1861 Department
Pros: of Govt for Revenue
No. 1683.

PROCEEDINGS of the BOARD of REVENUE,

Dated 21st June 1861.
Despatched, 2 July
Received, 3 July
Encl 1 Copy

No. 3,217.

Draft according

Submitting a letter from the Collector of Coimbatore reporting on the Grass Puttah system of the Neilgherries.

No 2133. 7 Nov
19 October 30

Note.

The Bds proposals seem to meet
the objections raised to the "grass
Puttah" system of the Hills, but
it is essential that the hill Ryots
should be properly defined by
boundaries and carefully specified
in the Puttahs.

yes Sir

2. As to the "grazing Puttahs" de
scribed in para 11, I think the
Bds reasoning unobjectionable. Such
land is taken up merely for
pasturage, without any idea of
cultivation present & I should regard
the tenure as annual & carrying
with it no preferential title
The system of annual privilege of retaining
1/5 or 20 per cent of their holdings at
1/4 of the assessment for following

* Should be under 2 acres of land in Wynaad to meet the objections raised to the Puttah system in the Nilgiris where a minimum of 5 acres is fixed

up by the Burghers merely for pasturage, without any idea of improvement, and the Government would therefore regard the tenure as annual, and carrying with it no preferential title - Indeed ~~I~~ do not see ~~that land on these hills ought to be treated like land in the plains with a settled population and long established Villages~~.

The Burghers like the ryots of Coimbatore have the unusual privilege of retaining 1/5th or 20 per cent of their holdings at 1/4 of the assessment for fallow and pasturage - If they wish to take up additional land at 1/4 instead of full assessment, the Govt do not see why this small payment should give them more than they seek viz - the right of pasturage for the year - The preferential

preferential right which the Board would give enables the Burghers virtually to exclude strangers - In the plains with a settled population and definite boundaries such a preferential right may be conceded without much risk of abuse, but it is otherwise on the Hills, and the Government cannot concede the privilege there -

J R S

14 Copies To The Board of Revenue
Pub. 8

Respecting the Grass Pattahs system of the Neilgherries.

Revenue 1861 Departt.
Pro: of Govt for Novr.

No. 2133.

Pro: of the Madras Govt.
D/7th November 1861.

Pro: of the Board of R
D/28 July 1862 No. 2185

Boards Proceedings on the Grass Pattah system of the Neilgherries, with orders thereon.

No 94 & 95