M.R.O. 14—18,000—27-8-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1575 Press ~~Mis.~~

285 . 286

Dated 27—8 . 1863.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 27th August 1863.

No. 285. 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 Madras, 29th July 1863, No. 4,731 :—

SIR,

1. With reference to the Order of Government dated 16th July 1863, No. 1,310, I am directed by the Board of Revenue to submit for the sanction of Government, the finally revised rules for the redemption of the Land Assessment.

2. The modifications directed by Government in the above Order have been made, and the necessary provision has been added for the grant of permanent Puttahs for land, of which the assessment is capable of being redeemed under the rules.

RULES FOR THE REDEMPTION OF THE LAND REVENUE.

I. Proprietors of lands occupied for dwelling Houses or Factories, of Coffee lands in the Wynad, of lands on the Neilgherries and the Pulny, or Shevaroy Hills, and of lands occupied or intended for Gardens or Plantations properly so-called, such lands being subject to assessment, quit-rent, or other public Land tax, if desirous of redeeming such assessment, &c., must apply by letter to the Collector of the District in which the lands are situated. This rule is applicable to the kinds of land above designated, situated in Zemindaries, as well as to lands in Government Talooks; but does not *necessarily* include lands classed as Baghayet or Totacal. Applications relating to these last kinds of land must be referred by the Collector, with full particulars, for the decision of the Board of Revenue.

II. In Estates held under the Regulations of 1802, the registered Zemindar shall alone be held to have the right to redeem the Land Revenue under these Rules, a corresponding reduction being made in the annual Peshkush. In the case of Ryotwary lands, the registered proprietor holding directly from Government shall alone have the right to redeem.

In other cases the person entitled to pay the assessment shall be held, as a general rule, to possess the right, but all doubtful cases shall be referred to the Board of Revenue for decision.

III. Inám lands and lands purchased under the Rules dated respectively 6th, 7th and 9th March 1863, Nos. 478A, 482A, and 488A, for the sale of waste lands on the Neilgherries, on the Shevaroy Hills, and in the Wynad Talook of Malabar, will be dealt with according to the Deeds under which they are held, and will not be affected by these Rules. *Grama Nattam* land is also excluded from their operation.

IV. Grants of unassessed waste land already made for terms of years under previous rules, and in which no right of occupancy or proprietorship exists except that of the grantees, or such as has been derived from them, may, at the option of the grantees or of their representatives, be brought within the operation of these Rules, and the grantees or their representatives may, at their option, redeem the future Land tax on such grants, or on any compact part of them.

V. The redemption of the assessment on lands held in shares, on Cowles or on leases, and, generally, of lands held on peculiar tenures, shall not be allowed without the sanction of the Board of Revenue.

VI. The rate of redemption shall be twenty-five times the *full* annual assessment on the land in addition to the actual cost of survey and durable demarcation, except where the Government title on which the land may be already held shall contain an express provision for redemption at a lower rate.

VII. The assessment on which the redemption shall be calculated, shall, in the case of lands settled under Regulation XXV of 1802, be the permanent assessment. In the case of other lands, it shall be the survey or recognized standard assessment. Where lands are held in perpetuity at specified rates, such rates shall form the basis of the calculation.

VIII. The redemption of the Land Revenue under these rules shall in no way affect subtenures, right of occupancy, or other subordinate rights whatever.

IX. Lands of which the assessment is redeemed under these rules, shall continue liable to General, Local, and Municipal taxes, in common with other lands.

X. It is to be understood that the freedom of tenure conferred by redemption is absolute only as against Government. It will be given on *primâ facie* evidence of the right of the applicant to be recognized as proprietor, and other persons contesting that right, and claiming the land will be as free as before to sue the holder in the Civil Courts.

XI. Applications to redeem the assessment under these rules must state the situation of the lands, their extent so far as known, their assessment, and the applicant's title to be recognized as their proprietor.

XII. Immediately on receipt of an application for permission to redeem the assessment, the Collector, if he admits the application, shall cause durable boundary pillars or marks to be erected, clearly defining the limits of the land, and shall have it surveyed, and a plan of it prepared as soon as possible.

The boundary pillars are to be erected and maintained at the expense of the applicant, who shall also bear the cost of the survey and plan of the land.

XIII. When the land concerned has been already scientifically surveyed, and the particulars are on record, its re-survey shall not be necessary. The applicant shall in such case be charged only with the cost of putting up durable boundary marks, and of preparing a plan of the land.

XIV. In all cases where a Collector refuses to permit an applicant to redeem his assessment, it shall be open to the applicant to appeal to the Board of Revenue.

XV. On payment of the redemption money in full, with all cost of survey and demarcation, the party permitted to redeem the assessment shall be furnished by the Collector with a Title Deed in the form annexed, marked A.

It is to be understood that the current demand will continue up to the date on which the redemption money is proffered in full, together with the cost, actual or estimated, of demarcation and survey, or of demarcation only, as the case may be.

XVI. Proprietors of lands of which the assessment is capable of being redeemed under these rules, but who are unable or unwilling to redeem the tax, shall, on application and on payment of the cost of survey and of durable demarcation, be granted titles of permanent settlement under the Seal of Government in the annexed form B in lieu of the yearly *Puttahs* hitherto granted; and tenures on such titles shall be convertible at will into freehold, on payment down of twenty-five times the full annual assessment as above provided.

XVII. The Rules of August and September 1859 will cease to operate from and after the publication of these Rules, except in so far as concerns lands already dealt with under those rules.

A.

Form of Title for occupied Lands converted into Freehold.

This Indenture made the day of one thousand eight hundred and sixty between The Right Honorable The Secretary of State for India in Council of the one part and (A. B.) of the village of in the Collectorate of of the other part; Whereas the said (A. B.) registered proprietor of the land described in the Schedule hereunder written and delineated in the Map or Plan hereunto annexed under the provisions contained in the Rules for the redemption of Land Revenue passed by the Honorable the Governor of Fort Saint George in Council under date the day of 18 No. has paid into the Treasury at the sum of Rupees (the receipt whereof is hereby acknowledged) in redemption of the annual assessment or quit-rent at present payable on the said land, now this Indenture witnesseth that in consideration of the said sum of Rupees so paid as aforesaid the said Secretary of State in Council doth hereby declare that the said land is henceforward free from all demand on the part of Her Majesty for or on account of quit-rent, assessment, land tax or other Land Revenue, Provided however that these presents in no way affect the liability of the said land to the payment of all general taxes and local rates now existing or which at any time hereafter may be imposed by Law and of the owners thereof to the observance of the several conditions in the said Rules contained, Nor do they in any way affect any rights or interests which other parties than the above said (A. B.) may have in the said land. And this Indenture further witnesseth that for and in consideration of the declaration herein before contained and in consideration of the premises, he the said (A. B.) for himself, his heirs, personal representatives and Assigns doth hereby covenant with the said Secretary of State in Council, his Successors and Assigns, that he the said (A. B.) his heirs, personal representatives and Assigns will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the said land and premises. In witness whereof the Honorable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council and the said (A. B.) hath set his hand and seal the day and year first above written.

The Schedule above referred to.

District.	Talook.	Village.	Name if any.	Boundaries.	Extent.

The Seal of the Honorable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

Signed, sealed and delivered by the abovenamed A. B. of in the East Indies in the presence of

L. S.

Signature of A. B.

Received from the abovenamed A. L. the sum of Rupees being the consideration money abovementioned to be by him paid.

Rupees

Collector of

Proceedings of the Madras Government, Revenue Department, 27th August 1863.

B.

Form of Title of Permanent Settlement for Land of which the assessment is capable of being redeemed under the above rules.

Whereas A. B., holder on terminable lease of in the land specified the Schedule hereunder written, and delineated in the Map or Plan hereunto annexed, has made application that the said tenure may be changed into a permanent holding, and has paid the actual cost of the survey and durable demarcation of the land.

I Collector of acting under the authority of the Governor in Council of Madras, do hereby confirm the said land to the said A. B. and his heirs in permanent property, subject to the regular yearly payment of the sum of Rupees now payable thereon to Government.

Provided that this quit-rent shall be paid for each revenue year to the proper receiving Officer on or before the 31st March in that year, failing which it will be recoverable by the ordinary process for recovering arrears of land Revenue by the Madras Code.

Provided also that the said A. B. or other lawful owner of the said land shall be at liberty at any time to redeem the aforesaid annual payment, by paying to Government the sum of Rupees being equal to twenty-five times the amount of the said yearly quit-rent; and that on such payment, a Certificate shall be given to him declaring the land to be thenceforward free from all payment of revenue or quit-rent.

Provided also that the said A. B. or other lawful owner of the said land shall at all times hereafter at his own expense repair and maintain in good order the boundary ~~works~~ erected round the said lands.

Provided also that this Certificate in no way affects the liability of the above said land to payments for general Municipal or other local purposes, nor does it in any way affect any rights or interests which other parties may have in the said land, or any of the other conditions on which it is now held.

Specification of the Land.

District.	Talook.	Village.	Name if any.	Boundaries.	Extent.

By order of the Government of Madras,

C. D., *Collector.*

No. 286. ORDER THEREON, 27th August 1863, No. 1,575.

1. The rules are approved, and printed copies of them and of the Deeds attached to them will be furnished to the Board of Revenue.

2. The Government have slightly amended Form B.

(True Extract.)

Deputy Secretary to Government.

To the Board of Revenue.
Exd. S. T. Augustin.

No. 4,731.

From W. HUDLESTON, Esq., Secretary to the Board of Revenue,

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

SIR,

With reference to the Order of Government dated 16th July 1863, No. 1,310, I am directed by the Board of Revenue to submit for the sanction of Government, the finally revised rules for the redemption of the Land Assessment.

2. The modifications directed by Government in the above Order have been made, and the necessary provision has been added for the grant of permanent Puttahs for land, of which the assessment is capable of being redeemed under the rules.

I have the honor to be,
Sir,
Your most obedient servant,

W. Hudleston
Secretary.

REVENUE BOARD OFFICE,
Madras,
29th July 1863.

Exd. J. Wright.

1863 Dept. July/63 p. 313-317

Govt. vs. Collectors Confirm
Rules of Exemption Aug. 3rd/1863

29-11-95 16.8.11.
5-10-99
3-11-99
15-6-93
16-2-05

Rev. 1863. Department
Rec. of Govt. for Conf.

No. 1821.

From The Secretary to the Board of Revenue,
To The Secretary to Government R. D.

Dated 20th July 1863.
Despatched. 3 Augt —
Received. 10 —

2-Cs
R. Bd of Rev. d/ 17 Oct. 63
6 Nos. 750 6 in Fds.
Re. Board of Rev. 10 May/64.
Oct 1286.
No. 4,731.

Nos 2554 2586.

Submitting for sanction the finally revised rules for the redemption of the Land Assessment.

No 1575 27 Augt

Augt/63 26 Rev. 215

No. 1575.

The Rules are ordered and printed as this Item 4 of the Records attached to them will be furnished to the Govt.

2. The Govt have slightly amended Form B. (Front 1st George) 27 Augt 1863 in respect to the Rules attached to the Records of this Item. The Rules when printed from one press will be kept in type & utilized for the other copies. The Records must be printed in the other press here.