

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1733	Press Mis.
267.268	
Dated	21-9-1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st September 1863.*

No. 267. Read the following Proceedings of the Board of Revenue, dated 9th September 1863, No. 5,649 :—

Read the following letter from J. FRASER, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chittoor, 25th July 1863, No. 142.

SIR,

1. In reply to the Board's Proceedings* giving cover to the Order of Government, dated 1st June 1863, No. 930, I have the honor to state that, as will be seen from paragraph 6 of my letter, dated 12th May 1862, No. 86, the measurement of the lands in question were verified by the Department of Public Works.

2. In the foregoing Proceedings the Board call upon me to report the amount of interest payable to the parties concerned at 5 per cent. from the time the claim for compensation was first advanced. But in paragraph 3 of the above Order, Government observe that they are willing to allow interest at the same rate from the date on which the appropriation of the land took place. I beg however to submit my report with calculation of interest to meet either reading, leaving it for the Board to decide as to the time during which interest has to be paid.

3. The amount of compensation sanctioned for the Ryots being Rupees 1,162-3-0, the interest due thereon at 5 per cent. for a period of five years ending with Fasli 1272, is Rupees 290-8-9.

4. With regard to the interest due to the Poligar, I observe that the compensation he is entitled to is a mere permanent remission from his Peshcush equivalent to the annual loss incurred by him. But he has been paying the full amount of his Peshcush, although properly speaking the difference between it and the annual loss sustained by him was actually due to Government.

5. Interest has therefore to be calculated upon the excess amount thus paid by him every year; and it may be assumed for purposes of calculation that he paid the same at the end of each Fasli.

6. If interest were to be calculated from the time of appropriation, viz., Fasli 1261, the proper course would be to calculate interest on the sum paid for that year, for 11 years from the beginning of Fasli 1262 to the close of 1272. In the same manner the interest on the sum paid for Fasli 1262 will have to be calculated for ten and so forth; that is interest on the excess payment for each year should be charged from the commencement of the ensuing year.

7. But the Board have observed interest is to be charged only from the time the claim was first advanced; and in their Proceedings dated 5th May 1863, No. 2,671, they have recommended interest on Rupees 1,407-6-10, being the aggregate amount of the annual loss incurred by the Poligar up to the end of Fasli 1271. I do not understand the principle on which the Board have calculated the interest as above shown. If the Board allowed interest on the amount paid by the Poligar up to the end of Fasli 1267, the course they have taken would be fair. But the principal includes the sums paid by the Poligar for the following years, and it is clear he is not entitled to interest on such sums for the same length of time, as they were neither paid, nor payable by the end of Fasli 1267.

	Principal.			Period for which Interest is due.			Interest for the said period at 5 per cent.		
	RS.	A.	P.	YS.	M.	D.	RS.	A.	P.
Amount paid by the Poligar up to the end of Fasli 1267.	895	10	2	5	0	0	223	14	6
Do. paid for Fasli 1268.	127	15	2	4	0	0	25	9	5
Do. do. 1269.	127	15	2	3	0	0	19	4	1
Do. do. 1270.	127	15	2	2	0	0	13	12	9
Do. do. 1271.	127	15	2	1	0	0	6	6	4
Do. do. 1272.	0	0	0	0	0	0	0	0	0
							287	15	1

8. The manner in which I have calculated interest is shown in the margin, and if the Board approve of it the interest payable to the Poligar would be Rupees 287-15-1 according to their Order.

9. The amount of interest payable to the Poligar and Ryots according to the Government Order is shown below.

*Proceedings of the Madras Government, Revenue Department,
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Principal or excess payment for which Interest is due.	The Fasli for which the excess payment was made.	No. of years for which Interest is due.
127 15 2	1261	11
127 15 2	1262	10
127 15 2	1263	9
127 15 2	1264	8
127 15 2	1265	7
127 15 2	1266	6
127 15 2	1267	5
127 15 2	1268	4
127 15 2	1269	3
127 15 2	1270	2
127 15 2	1271	1
127 15 2	1272	0
0 0 0		
Total No. of years..		66

i. e., Interest on 127-15-2 at 5 per cent. for 66 years, is Rupees 422-3-5.

1. In their Proceedings of the 5th May last, No. 2,671, the Board of Revenue submitted for the consideration and orders of Government, a case of compensation due to the Gudipati Poligar, and occupying Ryots, for Cawnies 39-5-8 of land in all, taken up in Fasli 1261 for the public road from Chittoor to Velloré. The compensation settled for the parties respectively was,

For the Ryots Rupees 1,162 3 0

For the Poligar „ 1,407 6 10

but the Acting Collector and the Board differed as to the interest to be paid on these sums. The land was actually appropriated in Fasli 1261, but the claim was not made until 1858, owing to the negligence of the parties themselves. The Collector calculated the interest at 12 per cent. from date of appropriation, but the Board thought that the parties should not have interest for any period prior to the date on which they brought their claim forward, as otherwise they would benefit by their own laches.

2. In sanctioning the principal of the compensation, however, the Government, after inquiring whether the extent of land taken up had been verified by the Public Works Department, ruled that interest should be allowed to the Poligar and Ryots from the date on which the land was appropriated, but at the rate of 5 per cent.

* Vide paragraph 6 of Collector's letter 12th May 1862, No. 86, submitted to Government with Board's Proceedings 5th May 1863, No. 2,671.

3. In his letter above recorded, Mr. Fraser points out that he had already reported* that the measurement of the land in question was verified by the Public Works Department, and he proceeds to submit his views on the subject of interest.

He points out that the Government propose to pay interest at the rate of 5 per cent. from the date on which the land was actually appropriated, and he shows that thus calculated the amount due on this account to the Ryots, being the interest on Rupees 1,162-3-0 for 12 years at 5 per cent. from Fasli 1261 to Fasli 1272, is Rupees 697-5-0.

4. Mr. Fraser further remarks that the Poligar is entitled to interest only on the amount of Peshkush paid by him year by year in excess of the adjusted demand against him. Thus, the difference of Peshkush is Rupees 127-15-2 per annum. On the payment of this excess sum in Fasli 1261, the Poligar is entitled to 11 years' interest from Fasli 1262 to Fasli 1272. On a similar payment in Fasli 1262, the Poligar is entitled to ten years' interest; and so on, on each successive payment year by year. On this principle of calculation, which the Board approve, the Poligar is entitled to Rupees 422-3-5 at 5 per cent. as shown in paragraph 11 of Mr. Fraser's letter and in the marginal table attached thereto.

5. The Board beg accordingly to recommend that interest to the extent of Rupees 697-5-0 to the Ryots, and Rupees 422-3-5 to the Poligar, be sanctioned in addition to the amount of compensation already authorized to be disbursed to them in paragraph 2 of the Proceedings of Government dated 1st June 1863, No. 930.

10. The lands in question being taken at the beginning of Fasli 1261, the amount of interest at 5 per cent. for 12 years from Faslis 1261 to 1272, calculated on the sum of Rupees 1,162-3-0, sanctioned to the Ryots, is Rupees 697-5-0.

11. The interest payable to the Poligar calculated at the same rate, with reference to my remarks in paragraph 6, is Rupees 422-3-5, as detailed in the margin.

*Proceedings of the Madras Government, Revenue Department,
21st September 1863.*

No. 268. ORDER THEREON, 21st September 1863, No. 1,733.

Sanction is accordingly granted for the two sums of Rupees (697-5-0) six hundred and ninety-seven and Annas 5, and Rupees (422-3-5) four hundred and twenty-two, Annas three and Pice five.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

„ Acting Civil Paymaster.

„ Acting Accountant General.

Exd. S. T. Augustin.

No 1st volume/63023-4-

Rev. 1863. Department.
Director of the Board of Revenue

No 2180.
PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 9th September 1863.
2nd 12 1/2
No 2112

No. 5,649.

Submitting with remarks letter from the Collector of North Arcot requesting to give full explanation about some difference between the Orders of Government and the Board regarding certain interest payable to the Poligar and ryots.

No 267 + 268

No 267 + 268

No 267 + 268

With an Order

No. 1735.

Sanction is accordingly

granted for the two sums of Rs. 694-5-0 and

Rs. 422-3-5 for houses and twenty two

houses and twenty two

houses and twenty two

21st 21st/63

15/9/63

14th 14th of Revenue

13th 13th of Revenue

12th 12th of Revenue