

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2820

Press
~~Mis.~~

302.303

Dated

17-11-1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
17th November 1865.*

No. 302. Read the following Proceedings of the Madras Government in the
Legislative Department :—

Directing the introduction, into the Legislative
Council, of the Bill for the levy of a District
Road Cess, and stating that the Honorable } (Here enter 11th November 1865, No. 413.)
Mr. Pycroft will take charge of it.

No. 303. ORDER THEREON, 17th November 1865, No. 2,820.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,
Acting Under Secretary to Government.

Exd. S. T. Augustin.

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Proceedings of the Madras Government, Legislative Department,
11th November 1865.

Read the following papers:—

No. 4. Proceedings of Government in the Revenue Department.

Transferring to the Legislative Department, for disposal, a Bill for the imposition of a Road Cess, in the form of a rent charge, upon all the cultivated lands of the country, whether held on Ryotwary tenure, or on Zemindary, or other favorable tenure. (Dated 8th September 1865, No. 2145).

No. 5. Draft Bill prepared in the Revenue Department, and revised by the Acting Assistant Secretary.

A Bill for the levy of a District Road Cess.

WHEREAS it is necessary for the better construction, repair, and maintenance of District roads, that a portion of the charges connected with the construction, repair, and maintenance of such roads, should fall exclusively upon the residents of the District in which such roads may be situated, it is hereby enacted as follows:—

1. It shall be lawful for the Governor in Council, by Notification in the "Fort Saint George Gazette", to declare the provisions of this Act applicable to any District, or to any part of any District, situated within the Presidency of Madras, and the Act shall come into force in such locality on the date of such Notification.

2. From and after the passing of this Act, all occupied land in the Presidency of Madras is declared to be liable to the payment of a District Road Cess, at a rate not exceeding six Pice in every Rupee of the annual rent value of such land. The exact amount of the rate shall be fixed in the Notification of the Governor in Council applying the Act to any District, and the Cess so fixed shall be levied in substitution for any previously existing Road Cess in such District.

3. This Cess shall be payable by all Ryotwary Landholders, as described in Madras Act II of 1864, and the Land assessment, including any water rate payable by them to Government, shall be taken to be the annual rent value of their lands upon which the Road Cess shall be calculated.

4. In case of lands held on any tenure other than Ryotwary, the Cess shall be payable either by the tenant of the Landholder, where there is a tenant, or, if the Landholder occupies the land himself, then by the Landholder.

5. For the purposes of the last preceding Section, the rent payable by a tenant to a Landholder shall be taken to be the rent value of lands occupied by a tenant, and the Survey Assessment on lands occupied by a Landholder shall be taken to be the rent value of such lands: provided that where no Survey Assessment may have been fixed on such lands, the rate of the Government Assessment on lands of similar quality in the neighbourhood shall be taken as the standard for calculating their rent value.

6. When revenue or rent is paid in kind, the District Road Cess shall be calculated on the market value for the time being of the produce so fixed in kind, and shall be leviable accordingly.

7. In every District to which this Act shall be made applicable as heretofore provided, every holder of land, on any tenure other than Ryotwary, is hereby

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required to prepare, once in every five years, a list of his lands, whether occupied by tenants or by himself, giving in the one case the amount of rent payable to him, and in the other the annual rent value of the lands.

8. If such Landholder shall fail to supply the list referred to in the last preceding Section to the Collector of the District, or to such other officer as he may appoint, within six months of this Act being made applicable to his District, and at any future time within six months after he may be required by the Collector to do so, the Collector shall be empowered to fix the assessment on his lands at such amount as he deems proper, and the Landholder shall be liable to a fine, not exceeding Rupees 50, for each day's delay until the list be supplied. Such fines shall be adjudged by the Collector, and shall be leviable by the Collector as an arrear of Land Revenue, under the provisions of Act II of 1864 (Madras), and shall be credited to the District Road Fund.

9. The Collector of the District shall be empowered to take steps for ascertaining the correctness of the entries in the lists referred to in the preceding Section, by summoning before him the Curnums of Villages, anything in Regulation XXIX of 1802 to the contrary notwithstanding, by requiring the production of accounts and documents, by summoning the other Village Officers, or the chief inhabitants of the villages entered in such lists, by deputing any of his Officers to make such inquiries as may be necessary, or by such other means as he may think proper.

10. For the purposes of the last preceding Section, the Collector, or any Revenue Officer not below the grade of Tahsildar, shall have the powers given to Civil Judges under the Civil Code (Act VIII of 1859) for the summoning of witnesses, and the production of accounts and documents, and any person who shall obstruct any Revenue Officer when making the examination referred to therein shall be held to be guilty of obstructing a public servant in the discharge of his public functions, as defined in Section 186 of the Indian Penal Code.

11. In the event of the Collector being dissatisfied with the list submitted by a Landholder, he shall, after making the inquiries referred to in Section 8, proceed to amend the same, and shall supply such Landholder with a copy of such amended list, which, for the purposes of this Act, shall be taken to contain the annual rent value of lands liable to the Road Cess, unless the Landholder shall appeal within three months to the Board of Revenue.

12. On receipt of an appeal, as provided in the last preceding Section, the Board of Revenue shall cause such further inquiries to be made as they may deem necessary, and shall then proceed to pass orders in the case, and the orders so passed shall be final.

13. It shall not be competent to any Civil Court to entertain any suit regarding the assessment of District Road Cess.

14. After the assessment of the Road Cess on the lands of all holders of land on other than Ryotwary tenure shall have been once completed by the Revenue Officers, it shall not be re-assessed for a period of five years, and Landholders shall collect the Cess so fixed from their tenants, and shall pay the same each year to the Revenue Officer who may be authorized to receive it.

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15. The Revenue Officers of the District shall collect the Road Cess from all holders of land in the same manner as they are empowered to collect the Land Revenue under the provision of Madras Act II of 1864, and the Road Cess is hereby declared to be included among the Cesses referred to in Section 52 of that Act.

16. Landholders in the occupation of land on tenures other than Ryotwary are hereby declared to have the same powers, and to be liable to the same penalties in the collection of the Road Cess from their tenants, as may be prescribed in any Act or Regulation which may be in force for the collection of rent due to a Landholder.

17. The proceeds of the Road Cess shall be exclusively applied to the maintenance and construction of communications in the District in which the Cess is levied, under such rules as the Governor in Council may from time to time prescribe.

18. This Act may be shortly cited as the Madras Road Cess Act of 1865.

No. 6. ORDER THEREON, 11th November 1865, No. 413.

The Governor in Council directs that steps be taken for introducing the Bill, appended to the foregoing Proceedings, into the Council of the Governor at the next Meeting for the purpose of making Laws and Regulations. The Honorable T. Pycroft will take charge of it.

(True Extract).

Thomas M. Pycroft

Acting Asst. Secretary to Government,
Legislative Department.

To the Revenue Department. ✓
" Board of Revenue.
" Honorable T. Pycroft.

Exd. J. H. Burns.

4 Span Copies.

