M.R.O. 14 - 5,650 - 22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1157 Press Mis.

273-74

Dated 15 5 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
15th May 1866.

No. 273. Read the following Proceedings of the Board of Revenue, dated 14th March 1866, No. 1,755 :—

Read the following letter from the Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 26th January 1866, No. 18.

No. 377.

1. Adverting to the Order of Government, dated 10th instant, No. 69, communicated with the Board's Proceedings of the 16th idem, calling upon me for further information concerning the Statements of lands proposed to be given in exchange for Inám lands taken up for roads and other public purposes, or which have otherwise become uncultivable, I have the honor to state that the Return in question extends over a period of about seven years, or from 1858 to September 1865.

2. The Return might have been less lengthy had it embraced a shorter period, and the course been followed as suggested by Government in paragraph 2 of the Order under present acknowledgment; but as in former instances, I have likewise in this, followed the ruling laid down by the Board in their Circular Order, dated 14th June 1855, which apparently does not leave it discretionary with a Collector either to propose compensation in money, or to reject any claim arising from the mere fact that the Inám may have become uncultivable from causes beyond the owner's control.

3. The Order in question merely requires a Statement of all such Ináms wholly irrespective of their extent, &c.

4. If, however, a minimum extent of Inám land be fixed, up to which exchange may be permitted, cases falling below the minimum can, of course, be recommended for a money compensation. But if Government be of opinion that loss of a petty portion of an Inám, not occasioned by any act of the Government, cannot entitle the holder even to compensation, I would submit that the rule should apply to all Ináms irrespective of their extent, though I fear that any such ruling would be generally felt as invidious, and not strictly equitable.

5. In future Returns the area will be given in Acres, and not in Kanis, as pointed out by Government in paragraph 3; and I must express my regret that the error was overlooked by me.

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1. Submitted for the information of Government, with reference to their Order, dated 10th January 1866, No. 69.

2. The Board recommend that the exchanges proposed in the Statement now before Government be sanctioned, and that any further ruling on the subject of similar applications be held to apply to future cases only.

3. As regards the minimum extent for which fresh land should be proposed in exchange, the Board would suggest one acre; for Ináms or portions of Ináms less than that Collectors might be instructed to invariably propose a money compensation.

No. 274. Order thereon, 15th May 1866, No. 1,157.

Land Revenue

1. The Governor in Council has reason to believe that considerable laxity prevails in respect to the grant of fresh lands in lieu of Ináms. It is not easy under any circumstances effectually to guard against improper applications, but when, as in this case, the applications extend over a period of seven years, anything deserving the name of check is practically out of the question.

Land Revenue, as in Chin
Case

2. The letter of the Collector of South Arcot, above recorded, shews also that it is necessary to lay down more precisely the principles on which exchange of Ináms is to be sanctioned.

3. The grounds of claim for such exchanges are.—I. Loss from causes beyond the Inámdar's control.—II. Loss occasioned by some act of the Government.

4. In the case of claims under the first ground, the nature of the Inám is the guiding consideration. If the Inám be held as an equivalent for some service rendered directly to the State, *ex. gr.*, the Ináms of village servants, as distinguished from those of the village artisans, the Inám of a choultry, as distinguished from that of a temple, the claim for an exchange is valid, whenever it can be shewn that the loss did really occur from some cause beyond the Inámdar's control, *and* is such as to render the Inám an inadequate remuneration for the service performed. In these cases the compensation should be in the permanent form of a further grant of land, or a reduction of quit-rent, if any be payable on the rest of the Inám. In the former case the sub-division of fields should be avoided as far as practicable, either by selecting a field of value equivalent to the loss sustained, or by transferring one of somewhat greater value subject to a quit-rent equal to the difference. Where waste land is granted, one acre should be the minimum, as proposed by the Board, subject to a quit-rent, if necessary.

5. If the Inám be not for some service directly rendered to the State, no claim for compensation is admissible. The grant of such an Inám involves no obligation on the part of the State to protect the grantee from losses occurring from causes beyond his control, but not occasioned by some act of the Government, who are no more interested in an Inám of this character than in other private property.

6. In the case of claims under the second ground, the claim of the Inámdar is indisputable, whether he renders an equivalent in the form of service for his Inám or not. Where the Inám partakes of the character of a trust, as for instance a Pagoda Inám, the compensation should be in a permanent form, as prescribed above for service Ináms. In other cases the Inámdar should be allowed the option of receiving land (subject to the minimum and the conditions as to sub-division above stated), of having his quit-rent ratably reduced or of being paid in money once for all.

7. Funds for money compensation will of course be provided by the Department which occasions the loss, and the Board will instruct Collectors to be careful to include such expenses for Local Fund works in their estimates.

8. The Board will revise the form of return submitted by Collectors, so as to enable them to deal effectively with applications of this nature, and will require the returns to be submitted for each official year within six months of its close.

9. The Collector of South Arcot will revise his return in accordance with the principles laid down in this Order.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.
,, the Collector of South Arcot.

Fxd. S. T. Augustin.

[redacted]

Revenue Depart.

No. 1157.

Proceedings of the Madras Government
under date the 15th May 1866

Read the following Rep.
of the Board of Revenue—

Submitting with remarks
letter from Collr of S. Arcot furnishing the further information called for regarding lands proposed to be given in exchange for Inam lands taken up for public purposes &c.

Here enter 14th March 66
No. 1755

The Governor
in Council has reason
to believe that consi-
derable laxity pre-
vails in respect to the
grant of fresh lands
in lieu of Inams—it
is not easy under any
circumstances effec-
tually to guard against
improper applications
but when, as in this

case

case, the applications
extend over a period of
seven years, any thing
deserving the name of
check is practically
out of the question.

The letter of the
Collector of Customs
Arcot above recorded
shows also that it is
necessary to lay down
more precisely the prin-
ciples on which exchange
of loans is to be sanc-
tioned.

The grounds of
claim for such ex-
change are, 1 Loss from
causes beyond the loans
dars Contract 2 Loss
occasioned by some act
of the Government.

In the case of
Claims

claims under the first
ground, the nature of the
loan is the guiding consi-
deration. If the loan
be held as an equiva-
lent for some service ren-
dered directly to the
State ex: gr: the loans
of village servants
as distinguished from
those of the village
artizans the loan
of a chowkey as dis
tinguished from that
of a Temple - the claim
for an exchange is
valid, whenever
it can be shown
that the loss did
will accrue from
some cause beyond
the

the standard control

and in such as to

render the grant an

inadequate remuneration

for the service

performed. In these

cases the compensation

should be in the form

of an annual form of a per-

cher grant of land -

or a reduction

of quit rents - if

the

any payable on

the rest of the

the grant. ——

In the former case the

subdivision of fields

should be avoided as

far as practicable, either

by selecting a field of

value equivalent to the

loss sustained or by trans-

ferring one of somewhat

greater value subject to

a quit-rent equal to the

difference - where waste

land is granted one acre

should be the minimum,

as proposed by the Board,

subject to a quit-rent,

if necessary.

5. If the Indian be not

for some service directly

rendered to the state,

no claim for compensation

is admissible. The

grant of such an Indian

involves no obligation

over

on the part of the State to protect the grantee from losses occurring from causes beyond his control - but not occasioned by some act of the Govt - who are no more interested in one Grain of this char- -acter than in other pri- -vate property -

6. In the case of claims under the second ground, the claim of the Grantees is indisputable whether he Grantee can equivalent in the form of Scrip for his Grain or not - where the Grain for taken of the character of a Grant - as for instance a Par grade Grain - the compensation should be in a permanent form

as

as prescribed above for Scrip Grants. In other cases the Grantee should be allowed the option of receiving Land subject to the minimum and the conditions as to subdivision above stated of having his quit-claim entirely reduced or being paid in money once for all.-

7. Grants for money compensation will of course be provided by the Dept which occasions the loss - and the Board will instruct Collectors to be careful to include for such expenses in their Estimates for Local Grant works.-

8. The Board will revise the form of return submitted by Collectors - so as to enable them

to deal effectively with applications of this nature - and will require the returns to be submitted for each official year within 6 months of its close -

9. The Collectors of Customs at Port will receive his return in accordance with the principles laid down in this order -

J. H. S.

14 Feb) Board of Revenue Dec 17th
1 " Collectors of Customs

Revenue 1866 Despts
Proof of Govt for Library

Vo No. 133.154-10.1.76

P.D. 1157.

Proof of the Address
Government Day
15th January 1866.

Col. directed to
ensure the statement of
Lands proposed to be given
in Exchange for Swan Lands
to be made available in
Act according to the
principles laid down
for their exchange —

No 273-274.