M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2414 Press ~~Mis.~~

212. 213

Dated 8- 9- 1866.

Not to be folded or roughly handled

No. 212. Read the following Proceedings of the Board of Revenue, dated 21st August 1866, No. 5,948.

Read the following letter from the Collector of the Godavery District, to the Secretary to the Board of Revenue, dated Cocanada, 1st August 1866, No. 181:—

With reference to the Board's Proceedings of the 19th ultimo, conveying the Orders of Government, dated 14th idem, No. 1,749, I have the honor to forward copies of correspondence between the Acting Sub-Collector and myself regarding the non-attendance of the Curnums in the Zemindary estates. There are no other papers on the subject.

From the Acting Sub-Collector of the Godavery District, to the Collector of the Godavery District, dated Bhimaveram, 23rd January 1866, No. 15.

1. I have the honor to forward, herewith, an Arzi, (to be returned,) No. 11, dated 6th instant, and received from the Tahsildar of the Undi Talook.

It will be seen from it that Curnums of ten villages in the Baharzalli Parganah, of the Nidadavole Zemindary estate, to whom I issued a notice, have failed to obey it.

2. The attendance of these Curnums is urgently required in the Tahsildar's office of this Talook, for preparing the water tax and usual wet land accounts of Jirayati and Inám lands.

3. These accounts not being of the nature specified in Section 13 of Regulation XXIX. of 1802, I consider the notice which I have issued to the Curnums is not one which can authorize me to move the Civil Court under Section 10, Regulation XXIX. of 1802, for their punishment, or to punish them myself under Section 174 of the Indian Penal Code, for disobedience to orders; I have, therefore, the honor to request that you will be good enough to let me have, at your early convenience, your opinion as to how I should proceed in such cases, as I am given to understand they are of frequent occurrence in the Sub-Division.

From the Collector of the Godavery District, to the Acting Sub-Collector of the Godavery District, dated Alamur, 27th January 1866, No. 21.

1. In reply to your letter, No. 15, of 23rd instant, I have the honor to give you, as my opinion, that you may deal with the Curnums you refer to under the provisions of Section 7, Regulation II. of 1806.

2. The Godavery District is not one in which the revenues are permanently fixed, though they are in parts of it. Section 2, Regulation XXIX. of 1802, refers to *Districts* in which "the land revenue has been permanently assessed," not to portions of them.

3. I would certainly fine the Curnums for their non-attendance.

From the Acting Sub-Collector of the Godavery District, to the Collector of the Godavery District, dated Narsapur, 9th May 1866, No. 77.

1. Referring to your letter, No. 21, of the 27th January last, I have the honor to request you will re-consider the opinion therein expressed regarding the legality of punishing Zemindary Curnums who neglect to produce accounts regarding old arrears, and the imposition of water tax on Zemindary lands. It appears to me, for the reasons which I shall give below, that in fining these Curnums as you suggest, I should be acting without jurisdiction.

2. It seems clear from the preamble to Regulation XXIX. of 1802, that the Legislature intended to establish on a proper footing the office of Curnum in the estates of proprietors of land, the assessment of which estate has been fixed for ever, or in other words, in Zemindaries which pay an annual Peishcush to Government.

3. In Section 2, the word "District" is used, which word, I submit, must mean estate of a proprietor such as is spoken of in the beginning of the preamble, and not a District or Collectorate; for, if this latter construction is put on the word, we shall find the Regulation practically useless, as, I believe, there is not a single Collectorate in the Presidency, the whole of which has been permanently settled as Zemindary.

4. Again, Sections 3, 6, 7, 8, and 10, Regulation XXIX. of 1802, all speak of the powers of the Zemindar over the Curnums of his estate; but with the exception of the word District in Section 2, there is nothing in the Regulation from which it would be possible to infer that the Regulation applies only to the Collectorates, the whole of which are permanently settled Zemindaries.

5. My belief is that Regulation XXIX. of 1802 applies to all Zemindaries without reference to their extent, and that Zemindary Curnums must be punished under the provisions of this Regulation, or not at all.

6. Collectors have no power to call for any accounts from these Curnums excepting as provided in Section 13, and if they do so they are liable under Section 14; of course Sections 15 and 16 refer to the production of accounts mentioned in Section 13.

7. Again, it seems to me that Section 7, Regulation II. of 1806, which you quote, is not in point. The Curnums mentioned in this Regulation are clearly those in the immediate employ of Government. They may be sent for by Collectors when and where they are wanted, may be suspended by Collector, or dismissed by the Board of Revenue, and surely it cannot be said that this power may be exercised by us, for instance in the Zemindaries of Pittapore or Nidadavole.

8. My difficulty then is this:—I have sent to Zemindary Curnums for certain accounts which are necessary for the completion of the annual settlement, but which accounts I am not authorized to call for under Section 13, Regulation XXV. of 1802. The Curnums neglect to produce these accounts, my business is clearly, and apparently, thus correctly, and I have, therefore, the honor to request you will, if you think fit, refer the matter for the orders of the Board of Revenue.

Submitted to Government, with reference to their Order quoted by the Collector.

No. 213. ORDER THEREON, 8th September 1866, No. 2,414.

Land Revenue

1. The Sub-Collector's view of the law is correct.

2. The expediency of introducing a Bill into the Legislative Council which shall declare, with reference to Section 174 of the Penal Code, that Revenue Officers have the power of issuing summonses, is now under consideration. Meanwhile, if no other means for adjusting the matter under consideration before the Acting Sub-Collector be available, that Officer should seek the interposition and aid of the Zemindar who, under Section 12, Regulation XXIX. of 1802, can require the Curnums to produce their accounts. The Collector should have submitted a translation of the notice which appears to have been issued to the Curnums by the Acting Sub-Collector.

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

No. 5,948.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st August 1866.

Read the following letter from J. FRASER, Esq., Collector of the Godavery District, to the Secretary to the Board of Revenue, dated Cocanada, 1st August 1866, No. 181:—

With reference to the Board's Proceedings of the 19th ultimo, conveying the Orders of Government, dated 14th idem, No. 1,749, I have the honor to forward copies of correspondence between the Acting Sub-Collector and myself regarding the non-attendance of the Curnums in the Zemindary estates. There are no other papers on the subject.

ENCLOSURE No. 1.

From E. F. WEBSTER, Esq., Acting Sub-Collector of the Godavery District, to the Collector of the Godavery District, dated Bhimaveram, 23rd January 1866, No. 15.

1. I have the honor to forward, herewith, an Arzi, (to be returned,) No. 11, dated 6th instant, and received from the Tahsildar of the Undi Taluk.

It will be seen from it that Curnums of ten villages in the Baharzalli Parganah, of the Nidadavole Zemindary estate, to whom I issued a notice, have failed to obey it.

2. The attendance of these Curnums is urgently required in the Tahsildar's office of this Taluk, for preparing the water tax and usual wet land accounts of Jirayati and Inam lands.

3. These accounts not being of the nature specified in Section 13 of Regulation XXIX. of 1802, I consider the notice which I have issued to the Curnums is not one which can authorize me to move the Civil Court under Section 16, Regulation XXIX. of 1802, for their punishment, or to punish them myself under Section 174 of the Indian Penal Code, for disobedience to orders; I have, therefore, the honor to request that you will be good enough to let me have, at your early convenience, your opinion as to how I should proceed in such cases, as I am given to understand they are of frequent occurrence in the Sub-division.

From J. FRASER, Esq., Collector of the Godavery District, to the Acting Sub-Collector of the Godavery District, dated Alamur, 27th January 1866, No. 21.

1. In reply to your letter, No. 15, of 23rd instant, I have the honor to give you, as my opinion, that you may deal with the Curnums you refer to under the provisions of Section 7, Regulation II. of 1806.

2. The Godavery District is not one in which the revenues are permanently fixed, though they are in parts of it. Section 2, Regulation XXIX. of 1802, refers to *Districts* in which "the land revenue has been permanently assessed," not to portions of them.

3. I would certainly fine the Curnums for their non-attendance.

From E. F. WEBSTER, Esq., Acting Sub-Collector of the Godavery District, to the Collector of the Godavery District, dated Narsapur, 9th May 1866, No. 77.

1. Referring to your letter, No. 21, of the 27th January last, I have the honor to request you will re-consider the opinion therein expressed regarding the legality of punishing Zemindary Curnums who neglect to produce accounts regarding old arrears, and the imposition of water tax on Zemindary lands. It appears to me, for the reasons which I shall give below, that in fining these Curnums as you suggest, I should be acting without jurisdiction.

2. It seems clear from the preamble to Regulation XXIX. of 1802, that the Legislative intended to establish on a proper footing the office of Curnum in the estates of proprietors of land, the assessment of which estate has been fixed for ever, or in other words, in Zemindaries which pay an annual peshcush to Government.

3. In Section 2, the word "District" is used, which word, I submit, must mean estate of a proprietor such as is spoken of in the beginning of the preamble, and not a District or Collectorate; for, if this latter construction is put on the word, we shall find the Regulation practically useless, as, I believe, there is not a single Collectorate in the Presidency, the whole of which has been permanently settled as Zemindary.

under Sec 12 Reg XXVI

4. Again, Sections 3, 6, 7, 8, and 10, Regulation XXIX. of 1802, all speak of the powers of the Zemindar over the Curnums of his estate; but with the exception of the word District in Section 2, there is nothing in the Regulation from which it would be possible to infer that the Regulation applies only to the Collectorates, the whole of which are permanently settled Zemindaries.

5. My belief is that Regulation XXIX. of 1802 applies to all Zemindaries without reference to their extent, and that Zemindary Curnums must be punished under the provisions of this Regulation, or not at all.

6. Collectors have no power to call for any accounts from these Curnums excepting as provided in Section 13, and if they do so they are liable under Section 14; of course Sections 15 and 16 refer to the production of accounts mentioned in Section 13.

7. Again, it seems to me that Section 7, Regulation II. of 1806, which you quote is not in point. The Curnums mentioned in this Regulation are clearly those in the immediate employ of Government. They may be sent for by Collectors when and where they are wanted, may be suspended by Collector, or dismissed by the Board of Revenue, and surely it cannot be said that this power may be exercised by us, for instance in the Zemindaries of Pittapur or Nidadavole.

8. My difficulty then is this:—I have sent to Zemindary Curnums for certain accounts which are necessary for the completion of the annual settlement, but which accounts I am not authorized to call for under Section 13, Regulation XXV. of 1802. The Curnums neglect to produce these accounts, my business is delayed, and, apparently, I have no remedy, and I have, therefore, the honor to request you will, if you think fit, refer the matter for the orders of the Board of Revenue.

(True Copies.)

(Signed) J. FRASER,
Collector.

Submitted to Government, with reference to their order quoted by the Collector.

(True Copies and Extract.)

E Sanderson
Secretary.

To the Secretary to Government, Revenue Department;

Copy to the Collector of the Godavery District.

Exd. T. Cartledge.

Dated 21st August 1866.

No. 5,948.

Submitting letter from Collector of Godavery district forwarding copies of correspondence between Acting Sub-Collector and himself regarding non-attendance of certain Curnums of Nidadavole Zemindary who were required to produce accounts regarding imposition of water tax on Zemindary lands.

Read 24th August 1866. No. 2765.

PROCEEDINGS OF THE BOARD OF REVENUE.

No. 2765. Dept. 1866.

Read letter from Collector of Godavery, dated 21st August 1866, No. 5,948, submitting copies of correspondence regarding non-attendance of certain Curnums of Nidadavole Zemindary who were required to produce accounts regarding imposition of water tax on Zemindary lands.

Ordered, That a copy of the letter be forwarded to the Secretary to Government, Revenue Department, for information.

E Sanderson
Secretary.

Dr. 2414.

8th Septr 66.

The Sub Collectors view of the law is correct.

The expediency of introducing a Bill into the Legislative Council which shall declare with reference to Section 174 of the Penal Code that Revenue officers have the power of issuing Summonses, is worthy consideration. Meanwhile ~~the Sub Collector~~ in such conditions should seek the aid of the Zemindar who, under Sec 12 Reg XXI

W.D.H

if no other means for adjusting the matter under consideration upon the spot can be available, that officer

of 1802 can require the Commrs to produce their accounts.

J.G.

The Govt should have submitted a true Copy of the Notice & appears to have been served on the Commrs by the Collr of Gdry.

14 Copies to the Bd of Revl Depts &c

3

Revenue 1866 Depart.
Pro: of Govt for September

A. 2414

Pro: of the Madras Govt
Dy 8th September 1866.

Collector of Godavery informed that he must seek the interposition of the Zemindar to produce the accounts of the Commrs in Zemindary estates.

A. 212 & 213