

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1108

Press

~~Mis.~~

Dated 24-4-1868.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21th April 1868.*

No. 562. Read the following Proceedings of the Board of Revenue, dated 16th April 1868:—

Read Government Order dated 20th December 1867, No. 3,029.

Do. do. dated 24th January 1868, No. 213.

Do. do. dated 8th February 1868, No. 357.

1. The Board are of opinion that, as the error in the title deeds has been now generally acknowledged, it would be highly inexpedient to continue to issue deeds in a form known to be incorrect.

2. The effect of the deeds, in all cases when the occupancy right does not vest in the Inamdar, is of course to throw on the actual possessor of that right the risk and expense of asserting or maintaining it in the Civil Courts. The Government cannot, in justice to those whose interests are involved, continue to perpetuate the error which it is the object of the special law to remedy.

3. They consider that, in lieu of the alteration proposed by the Inam Commissioner in paragraph 6 of his letter, under date 11th January 1868, No. 3, the words "claimed to consist of the Inam right" in such and such land should be substituted. The other alterations in the deed proposed by Mr. Blair have the Board's approval.

4. Of the two enactments before them, the Board prefer that prepared by the Inam Commissioner, which they observe has been now brought before the Legislative Council. They would, however, change the words "lands forming the subject of any Inam," which occur in both in the preamble and in the body of the Act, into "lands charged with any Inam," and they consider that the *onus probandi* should be thrown upon the Inamdar claiming occupancy rights in the Inam lands, and not upon the ryot occupant, whose rights have been jeopardized by the issue of the title deeds. The Board would also suggest that, as these difficulties have been created by the act of the Government, the remedy should be rendered as inexpensive and facile as possible, which might be done by enacting that claimants of occupancy rights should be permitted to bring a summary suit before the Collector free of stamp duty and all charges.

No. 563. ORDER THEREON, 24th April 1868, No. 1,108.

Land Revenue.

1. Ordered to be communicated to the Legislative Department.

2. The Government have already expressed themselves opposed to any change in the form of the Inam title deeds now that an explanatory Act is about to be passed.

3. It is simply impossible to recall all the deeds that have been issued, and the existence of two forms of title for the same description of tenures would certainly excite far more distrust and anxiety than will the defective language of the original form when the possible risk to rights induced by the defect has been removed by the enactment.

4. Nor do the Government see that, under these circumstances, any new liability will be cast on the party in possession to maintain his occupancy rights.

Proceedings of the Madras Government, Revenue Department,
24th April 1868.

asserted in paragraph 2 of the Board's Proceedings, other than what would have existed had the title deeds never been issued, or the language been unimpeachable.

5. It appears to Government that an Inamdar claiming to oust a ryot in possession must in every instance establish his superior right of occupancy, and thus that the *onus probandi* will, as desired by the Board, not be thrown on the ryot occupant; but it will be for the consideration of the Legislative Council whether the language of the Bill needs to be modified or added to in this respect, so as to establish beyond all question that an Inamdar not in actual possession cannot oust the occupant save by regular process.

6. The change suggested by the Board in the phraseology of the Bill does not commend itself to the judgment of Government. The expression "charged with an Inam," is scarcely consistent with the etymology of the word "Inam," and the phrase itself is calculated to convey the idea of some additional burden laid on the land, rather than that of a simple assignment by Government to a third party of what would ordinarily be due to themselves.

7. The suggestion contained in the last paragraph of the Board's Proceedings, appears to Government to be sufficiently met by the existing law and the draft bill.

8. The Collector in his Revenue Judicial capacity will be competent to maintain possession, pending the decision in a regular suit.

9. The Government see no reason to bar the ordinary jurisdiction of the established Courts.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Board of Revenue.
The Legislative Department.
The Officiating Inam Commissioner.

Ed. S. P. Argentin

Inam = انعام, (in'ām) infinitive IV
of نعمة, (ni'mat). - Shakespeare/Hind. Dict.

نعمت - Gratia, beneficentia, quā alteri
beneficit. Goliardus (Lex. Arab-Lat.)

D. . . Graciousness, beneficence, a benefit
Calafago (Arab. Eng. Dict.)

Board of Revenue

the Board's
remarks
form of
deeds and on
Bill framed
to them.

Here enter 16 April 1868

Copy sent

Ordered to be
communicated to the
Legislative Dept.

The Govt. have
already expressed
themselves opposed
to any change in the
form of the Inam
title deeds now that
an explanatory Act
is

Rev. Dept.
No. 1108.

Proceedings of the Madras Govt.
24th April 1868

Read the following
Proceedings of the
Board of Revenue.

Submitting the Board's
opinion and remarks
on the new form of
Inam title deeds and on
the Draft Bill framed
to give effect to them.

Recd. enter 16th April 1868 No.

Revenue Secy

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W.M.
N.
by

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Secretary to Govt

To the Board of Revenue.
the Legislative Department.
the Officiating Inam Commissioner.

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The fall in the
Revenue & Judicial
Collection

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17

14 To the Board of the Dec 22 April
to the Legislative Dept
to the Office of the General Comptroller

Ed. Ball

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4-11-27 71

Revenue 1888 Report
No. of Grant for 1888
St. 1108
No. of the collection of
By 24. 24 April 1888

Printed
Today

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