M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	540	Press ~~Mis.~~
50-51		
Dated	3rd. March	1869.

Not to be folded or roughly handled

No. 50. Read the following Proceedings of the Board of Revenue, dated 26th August 1868, No. 6,132 :—

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated 14th November 1867, No. 310.

1. With reference to the latter part of paragraph 5 of the Board's Proceedings, No. 4,264, dated 8th July last, I have the honor to forward a report received from the Sub-Collector on the Kunnivady Zemindary, dated 8th instant. In his letter, dated the 30th June 1862, Mr. Levinge reports that "The Proprietor of the Kunnivady Estate is hopelessly in debt, and that the grant of a "permanent Sunnud "would only enable him to borrow more money, and that the estate would pro- "bably fall into the hands of his creditors, and be sold in different portions by the "Civil Courts."

2. The Board will observe, from the Sub-Collector's letter, that no record has been discovered to shew that the Zemindar entered into any agreement "that the reduced rates of assessment then levied from the ryots were to be maintained."

3. After giving the subject careful consideration, I concur with the Sub-Collector in thinking, that no alterations in the present state of things is necessary during the life of the present proprietor, and that, on his demise, Government ought to share in the increased value of the estate.

4. With regard to the propriety of binding landholders not to increase the the rates of assessment paid by their ryots, much may be said on the score of humanity and benevolence; but it cannot be denied that such a course is opposed to every known law of political economy, and the plan, in some measure, even now shews its fruit, by the fact that a set of middlemen are fast arising between the ryots and all landlords, (whether Government or Zemindars,) and into these men's hands all the most valuable lands of the country are rapidly falling, so that, in the long run, the ryot will gain nothing, and the landlords will be the only losers.

Enclosure No. 1.

From the Sub-Collector, to the Collector of Madura, dated 8th November 1867, No. 159.

1. I have the honor to acknowledge the receipt of your letter, No. 1,234, dated 3rd August last, requesting me to report on the advisability, or otherwise, of making any stipulation as to the maintenance of the present reduced rates of assessment in the Sunnud which the Government propose to issue to the Kunnivady Zemindar.

2. Before giving my opinion on that point, I think it may be useful to give a short summary of the past and present financial states of the Zemindary under consideration, so that Government may know what the value of the concession will be in case the Sunnud is granted, and what will be the probable effect on the present proprietor and his successors.

3. The estate continued under Government management up to Fusly 1252, (A. D. 1843,) in which year the average annual value of the Zemindary was estimated at about Rupees 53,000, and it was made over to the Zemindar on his paying the arrears then outstanding, Rupees 14,094, and agreeing to pay an annual Peishcush of 38,140, which amounted to seventy per cent. of the assumed value of the lands on the assessment made by Mr. Hardis in A. D. 1802. No arrangement was

made for any alteration in case the income of the property should increase or diminish. Since the year 1,843, the value of the Zemindary has increased from Rupees 55,000* to 88,000, which is the annual income now derived from it, according to the accounts of the present renter.

* Revenue of Fusly 1257.

4. Of this sum,† the small sum of Rupees 4,000 per annum is directly received by the proprietor. Rupees 38,140 is paid to Government, 30,000 as annual interest to the Zemindar's creditors, and the remainder goes to the renter who is responsible for managing the estate. From this statement of the present situation of the property, it will be evident that the Zemindar, who now holds it, would be injured, rather than benefitted, by the issue of a Sunnud. I would not advocate any increase in the Government demands during his tenure; but I do not see why the increasing value of the property should be allowed to go to his successors to become a prey to renters, and usurious future creditors to the entire exclusion of Government interests. I would, therefore, propose that any Sunnud that may now be issued should be in the spirit of the original grant conferring the property on the condition that seventy per cent. of its value, as estimated at every fresh succession, should be paid over to Government in the shape of Peishcush.

† 88,000.

5. It is said in the Board's Proceedings that these lands were restored to the Proprietor on the understanding "that the reduced rates of assessment then levied from the ryots were to be maintained." There is nothing in any of the records connected with the Zemindary to shew that any understanding of the kind was entered into, and the principle has not been observed; for the renter has already in several cases raised his assessments, and is supported in doing so by an order of the High Court which sanctions his doing so, provided that the increase shall in no case raise the rents beyond the Fysul assessment.

6. At present, the increase from this cause has only reached 4,000 Rupees above Mr. Peter's assessment; but if the rents on the existing cultivation be raised to the Fysul rates, the revenue of the Zemindary will be raised to about 1,20,000 Rupees. The Government being about to issue a Sunnud to the Zemindar, are now in a position to impose any restriction they may think fit as to the continuance of present rates of assessment, and I am of opinion that the interests of the ryots would be secured by introducing a proviso that no increase on the present rates should be made without obtaining the direct sanction of Government.

7. As to the granting of Sunnuds to the Muttahs of Rettiambady and Vellur, I am of opinion that the rights and positions of the present Muttahdars will not be altered by the issue of such documents; but, as I have reason to believe, that the Muttahdars would be gratified by such an acknowledgement of their rights, I see no objection to their being granted.

In Board's Proceedings, dated 8th July 1867, No. 4,621A, paragraph 5, the Collector of Madura was called upon to report on the advisability of entering a special stipulation in the Sunnud which it was proposed to issue to the Poligar of Kunnivady, binding him to maintain the reduced rates of assessment which were introduced whilst the estate was under Government management from 1817 to 1842.

2. It appears that the Zemindar has executed no formal agreements not to enhance the assessment; that in some instances the rates have been raised; and that the High Court have ruled that the Poligar has the right to raise them within certain limits. The Collector is opposed to the stipulation suggested by the Board, but they fail to see the force of his arguments. The Polliem being unsettled, the Government, when they make a permanent grant of their right and title therein to the

Poligar, will have the power to make what stipulations they please. If, as can be shewn in the case of Kunnivady, the well-being of the ryots will be endangered and their rights infringed if the Poligar is allowed to raise the rates of assessment, it is the bounden duty of Government to guard against the evil when relinquishing their present power to protect the ryots by direct interference.

3. The history of the successive settlements of the district, and, in particular, of the Kunnivady Polliem, is given in the fourth part of Mr. Nelson's Manual. The estate was originally, far too highly assessed, and in 1817 it was attached for arrears of revenue. In 1823, Mr. Rous Peter, who was then Collector of the district, reported that the assessment was much too high, and proposed a reduction, which was approved and introduced under the name of "Munasib Kammi." The Munasib rates were applied in due course to the Kunnivady Estate, and the result was a rapid increase of cultivation and revenue. In 1840, the Poligar tendered payment of the arrears then outstanding, and in 1842 he was restored. In 1847, his son who had succeeded him, laid claim to the difference between the collections under the Munasib rates, and what would have been collected under the old rates, and a proportionate reduction of Peishcush. The claim was rejected on the ground that the reductions were absolutely necessary, and had been admitted to be so by the Zemindar; that the reduction had been the sole cause of the increase of cultivation and improvement in the income of the estate; that the late Zemindar had acquiesced in the change; and, finally, that the estate being an unsettled one, Government had a *right* to lower the assessment.

4. This decision was acquiesced in for so many years, that it is obvious the proprietor considered he had no power to enhance the rates. Lately, however, the estate has been rented out to a creditor of the proprietor's, and he has raised the assessment in a few instances. The question has been tried before the Small Cause Court at Madura, and referred to the High Court, and the right of the Poligar to raise the assessment has been maintained; but the Board have reason to believe that the true history of the case was unknown to the Courts; and they see no reason why Government should be influenced in the permanent settlement of the estate by their decision.

5. The whole history of the Madura Settlements, as well as the impoverishment of the Kunnivady Estate, when the old rates prevailed, and its restoration to prosperity when the Munasib Kammi was introduced, shew that it is expedient to prevent the proprietor from returning to the old system, whilst the present condition, lying at the mercy of numerous creditors, makes it too probable that every attempt will be made, both by him and his successors, to extort the utmost possible amount from the ryots.

6. Two other points are raised in the letters from the Collector and Sub-Collector, which are now under consideration: one is the inexpediency of granting any Sunnud to the present Poligar because it would lead to the immediate dismemberment of his estate for the benefit of creditors, and the other is the propriety of raising his Peishcush which is now only Rupees 38,140, whilst the annual income is Rupees 88,000.

7. On the whole, the Board are of opinion that no Sunnud should be issued until the next lapse occurs. The question as to whether the Peishcush should be raised or not, may be considered and determined then.

No. 51. ORDER THEREON, 3rd March 1869, No. 540.

Miscellaneous.

No. 2,546 and No. 2,744 of 1868.
,, 436 and ,, 447 of 1869.

Since the foregoing Proceedings were passed, the Government have received certain petitions* from the parties interested. These petitions will now be forwarded to the Board of Revenue for their remarks, in case the representations made by either party should cause any change in the views expressed.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

Govt. of {1869} Madras

REVENUE.

To

THE BOARD OF REVENUE.

Dated March, 3rd.

Recd. *Encl.*

G. O., 3rd March 1869, No. 540.

MARCH.
Nos. 50-51.

Kunnivady Zemindary in Madura District.—Petitions received from certain interested parties forwarded to Board of Revenue for remarks with reference to their Proceedings on the subject of this Zemindary.

11/3/69

21/3/69

8

1540
3.3.69

Received in
this State Secretariat
the Reuter Despatch -

1/10
5.7.69

1537
28-7-69