M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras

Revenue DEPARTMENT.

G.O. No. 1376 Press ~~Mis.~~

400-401

Dated 15 Mar. May ~~10~~ 1859

Not to be folded or roughly handled

No. 400. Read the following Proceedings of the Board of Revenue, dated 27th April 1869 :—

Read the following letter from the Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Trinomallay, 28th January 1869, No. 16.

In reference to the Proceedings* of the Board, conveying the sanction of the Government to the irrigation projects over the Manimakta and Meyur rivers in the Virdachellum Talook of this district, the Sub-Collector, Mr. Hathaway, has suggested that the lands to be affected by these works should be sold by public auction to the highest bidder. He quotes Board's Order No. 150, which I give in the margin, as authorising the enforcement of his suggestions; and he argues that when new works of this kind are constructed, and a large amount of dry land is converted into Nunjah, it is advisable, using his own words, "to "dispose of the waste land either by auction or by sale at a fixed price". "At present," Mr. Hathaway adds, "there is a great difficulty in disposing of Durkhasts "in such cases. Directly a large work of this kind is constructed, the land, which "was before lying waste and of little value, immediately becomes exceedingly "valuable, and every ryot in the village at once applies for the whole of it. It is "almost impossible to deal with such cases under the rules, as all the Durkhasts are "much about the same date, and all the applicants have much about the same right "to it. The plan hitherto has been for all the Durkhastdars to draw lots; but though "it is one way of deciding the difficulty, I do not think it satisfactory. Although "sale by auction, or at fixed rates, ought not to be adopted in ordinary cases, yet "it seems to me that No. 150 of the compilation of the Revenue Board's Orders, "which allows the disposal by sale in certain circumstances, exactly meets a case "of this sort". Again, "I do not think that there would be any hardship in "raising funds in this way. The construction of a new irrigation work suddenly "produces a large increase of wealth to the villagers, and the dry lands in their "occupation that are converted into Nunjah at once become trebled in value. "This is pure gain to them for which they pay absolutely nothing; and consider-"ing, therefore, the enormous benefit that they gain in this way, I do not think "it would be in any way either hard or impolitic to receive a certain amount "by the waste lands which also become in the same way suddenly raised in "value, which, on the other hand, it would greatly simplify the disposal of them and "prevent disputes. I think also that the amount so raised might fairly be at once "taken in diminution of the outlay, and be shown as a set off in the estimate. If "this were a recognized plan, it might often happen that, in some tracts of waste "and little cultivated ground, a small work might be at once executed by the "money so raised without any other funds.

2. Mr. Hathaway further observes : "Another advantage in this plan would "be that it would relieve the Engineer Department of difficulties that they now

* 8th Dec. 1868, No. 8,618.
16th Oct. ,, ,, 7,433.

"Assessed waste land should never be sold, except with the special permission of the Board, and this course will only be sanctioned under very exceptional circumstances; as for instance, when it may be impossible to decide between the conflicting claims of the different applicants * * * *; when the Collector cannot decide which is entitled to priority, he may sell the land by auction, the permission of the Board having been previously obtained."

"experience. At present, directly they begin preparing an estimate, and there is a "prospect of a work being constructed, the villagers at once pour in a flood of Durk- "hasts for all the waste on speculation, knowing that if the work is carried out, they "will have obtained very valuable property; and if it is not, they can at once resign "the land. This greatly hampers the Public Works Department: what before was "unoccupied ground, which they could count upon for channels, etc., after a few "months has become private property, and cannot be obtained, except by, perhaps, "heavy payment; and an additional expense is introduced which before was not in "the estimate. Even if certain land were reserved specially for the work, and "Durkhasts refused, still they would be somewhat hampered, as they would be "unable afterwards to modify the plan, if it were found advisable, or to select a "different line for the channels, etc.: all this would be obviated by the plan directly "a scheme was under consideration of not accepting further Durkhasts for waste "land in the vicinity, except at a certain rate per acre, or at auction. At present "a Durkhast costs absolutely nothing, and therefore every ryot thinks that he may "as well send one in, as it can do no harm, and may bring him in property of great "value".

3. There is no doubt a good deal of reason in all that the Sub-Collector states, and it is unquestionable that when projects of the kind are even in contemplation, there is usually a rush for the lands to be benefited; but in a district essentially ryotwar how far the sale of such lands, merely to create funds towards the cost of a proposed irrigation project, would be a departure from the established principles of ryotwary, is another matter; and I think the measure calculated to excite alarm and jealousy amongst the ryots, between whom invidious differences would spring up; while its tendency would also be to increase the wealth of the richer ryots at the expense of the poorer, who would feel the measure to be oppressive, and as aiming a direct blow at all personal enterprise and ambition on their part; and I am, therefore, of opinion that such exceptional deviation from the standing Darkhast Rules can hardly find support in view of the interests relatively affected; for, while the few would be aggrandised, the great majority would suffer; and to these the measure would appear both offensive and unjust, and not without some show of reason.

4. With these remarks I leave the suggestion made by the Sub-Collector for the final decision of the Board of Revenue.

In the foregoing letter, which is herewith submitted for the consideration of Government, the Collector informs the Board, with reference to the sanction, recently communicated, of the irrigation projects on the Manimakta and Meyur rivers, that the Sub-Collector has proposed to sell the waste lands to the highest bidder.

2. The Board have already, in their Proceedings, dated 27th July 1860, No. 3,467, recorded their opinion as to the sale of waste lands by auction, and the majority of the Board, as at present constituted, see no reason to modify the adverse opinion then expressed.

Proceedings of the Madras Government, Revenue Department,
18th May 1869.

3. In paragraph 3 of those Proceedings they quote as follows from an Order* of Government passed on a somewhat similar proposition :—

* Extract from Minutes of Consultation, No. 667, Public Works Department, dated 8th, in Consultation, 27th May 1856, No. 1,601.

"The Governor in Council agrees with the Collector of Salem in rejecting "the proposal. The waste land in this country, in the villages of the plains at "least, is certainly not the property of Government or the State in the absolute "sense in which the unoccupied lands in the United States and some of the British "Colonies is so.

"The village communities claim an interest in it, and that interest has been "universally admitted, though it has never been accurately defined. To put the waste "land up to sale, entirely ignoring the prior right of the village communities, "would be to introduce a totally new practice; and it would certainly be regarded "by the common feeling of the country as an invasion of existing rights".

4. The majority of the Board are, however, still of opinion that it is neither a safe nor politic measure in any way to infringe, or appear to infringe, the rights of the people, especially when the small gain to be obtained by the measure proposed is considered.

5. No such course has been pursued in the Godavery or Kistna District where more money has been expended by Government on irrigation improvements than in South Arcot, but where nothing has been lost by a liberal policy.

6. The proposed measure is moreover unnecessary, inasmuch as Government have the means of recouping themselves legitimately and in a way which the people admit to be just, *viz.*, by the water-tax.

7. It will be seen that the Collector is not satisfied as to the expediency of Mr. Hathaway's proposition.

8. The Third Member dissents from the views expressed in these Proceedings, and has recorded his grounds of dissent.

No. 401. Order thereon, 18th May 1869, No. 1,376.

Land Revenue.

The Right Honorable the Governor in Council sees no reason to depart from the principles laid down in the G. O., under date 7th September 1860, No. 1,545.

2. In paragraph 2 of that Order the Government pointed out that the existing rule, giving the ryots of a village a preferential right to the occupation of the waste land of the village, was of universal application, and was founded on the usage of the country. In paragraph 3 they indicated certain cases in which a sale by auction was the proper method of disposing of waste land.

3. The orders on the subject are fully summarised in the Board's Standing Order, No. 150; but it would appear that this Order is incorrectly quoted by Mr. Hathaway as authorising a recourse to the plan recommended by him. If Mr. Hathaway finds himself unable to decide between the claims of the resident ryots of

the village to the waste lands in question, he is then at liberty, with the Board's sanction, to put the lands up to auction-sale, but not otherwise. The biddings are, of course, in these cases to be restricted to the resident ryots.

4. The communication on this subject from the Sub-Collector to the Collector of the district should have been laid before the Board, and the Government accordingly desire that Mr. Hathaway's letter be submitted to them without delay.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue

Exd F. R. Bantleman.

Govt. of [1869] Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated May, 18*th*.

Recd. Encl.

G. O., 18*th May* 1869, *No.* 1,576.

Pro: B^d of Rev: 28 June 1869 No 2147.

MAY.

Nos. 400-401.

Sale of waste lands in South Arcot.—Passing orders on Board's Proceedings on this subject.

auction was the proper method
of disposing of waste land.

The parties in the
subject are fully summarized
in the Bill of Exceptions
which it would
be unnecessary
to repeat. The Master in Chancery
is correctly quoted by
Mr Hathaway as authorizing
a recess to the plan
recommended by him. If
Mr Hathaway finds
himself unable to decide
between the claims of the
respondent agents of the
village to the waste lands
in question, he is then at
liberty with the Board's
sanction to put the
lands up to auction

sale, but not otherwise. The
bidding is one of course and
there ought to be restricted
to the respondent agents

X

The commissioner on their
duty at present the Clerk
Collector, Mr Hathaway,
& the Collector of the Village
should have been called
before the Board and the Solr.

X

Lieut. Caldwell then
asked for Mr Hathaway
that he should be
allowed an opportunity
of filing a further version
of the Collector's duties
&c. &c. &c.

Mr

Granted

Re-Gr. according
leave that Mr
Hathaway communicate with
& submitted to the
Board without delay.

Mr

16 Copies Letter Book Bur Deeds 19.

The subject is a very
difficult one. In principle
a theory must be right
in favor of disposing of waste
waste which is about to be

benefitted by united
supply by auction to the
highest bidder and if
sufficient is left the
tanks of village I
presume that the
competition would not
be restricted. The villagers will be spared all.
I fear however that such a practice will be
considered contrary to Hindu usage and the
customs of the country. It would open a door to
land speculation. The land would then get up
in lots, perhaps held back from time
for irrigation and for actual cultivation
and eventually disposed of under the
pretence of competition at exorbitant prices
or at such rents as the poor cultivators
the petitioners servants would be in the
power of this mischievous industry.
There would be a demand by buffoons among
them and as much conspiracy as real
competition. I would discourage the
auction system and distribute the waste
land when the irrigation is really ready to
be effected in small parcels to the
labouring people. No

25 May 69 RS.

Pro: 1st December 1868 N° 364
7th October — 124/125

1861 - 1869 - Dep 4th
4th 1352
Proceedings of the
Board of Revenue

Dated 27 April 1869
Rec'd 27 - 28 - " - "
C.I. √

Sans 1376-18 May 69

Lands - to be affected by
Irrigation projects on
Manimukta and Veyur
river - Letter from Colr
relative to Lieut. Colr pro:
posal for sale of, by
auction, submitted to
Govt: with remarks -

25 May 69 RS.

400