No. 42. Read the following Proceedings of the Board of Revenue, dated 19th May 1871, No. 2,070 :—

Read the following replies :—

From the Acting Collector of Ganjam, to the Acting Secretary to the Board of Revenue, dated Chetterpore, 22nd September 1870, No. 1,285.

With reference to your official memorandum, No. 930, of the 29th ultimo, I have the honour to state that, in my opinion, it is undesirable that the provisions of the Standing Order No. 401-1 should be extended so as to prohibit the purchase by village-officers of lands sold in their own villages in satisfaction of the arrears of Government revenue. It seems to me that the very fact of permitting them to do so adds to their position and interest in the village. It is, however, necessary to devise some means for guarding against the possibility of their preventing others from competing for the land, and this might be guarded against by ordering such sales to be conducted by the Tahsildar.

From the Officiating Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated Vizianagram, 28th September 1870, No. 728.

Referring to official memorandum No. 930, I have the honour to state that I see no advantage in extending the provisions of Standing Order No. 401-1 to village-officers in respect to the purchase of land sold on account of arrears of revenue in their villages. The Acting Principal Assistant Collector is of the same opinion.

From the Acting Sub-Collector in charge, to the Acting Secretary to the Board of Revenue, dated Cocanada, 14th September 1870, No. 286.

In reply to the Board's official memorandum No. 930 of the 29th ultimo, I have the honour to report that the village-servants in this district have been already prohibited from purchasing directly or indirectly lands put up for sale on account of arrears of Government revenue.

2. I concur with Mr. Pochin in his opinion expressed in his notice, paragraph 2, and have published a notice to that effect in the District Gazette.

From the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Bezwada, 27th September 1870, No. 4,380.

With reference to Board's official memorandum No. 930, dated 29th August 1870, I have the honour to observe that as almost in all cases processes are served, and distraints and attachments for the recovery of arrears of land-revenue, under Madras Act II. of 1864, are made by the village-officers, it would be better, with a view to guard against fraudulent practices, to extend the provisions of Standing Order No. 401-1, and to prohibit the purchase by working Curnums and Moonsiffs of land sold in their village on account of Government revenue. The other Curnums in the village, who do not do any work, but share the emoluments according to long-standing usage, as well as the Pettandars or Head ryots, may be

permitted to purchase property, whether real or personal, at auctions for the realization of Government dues, because it is the working Curnums and Moonsiffs who properly come under the denomination of revenue and magisterial village servants.

2. As every vacancy is taken advantage of to reduce the number of Curnums to the actual wants of each village, before long there will be no non-working Curnums. As Pettandars get no emoluments of any kind, they can scarcely be said to be servants of Government, though holding an honorary office.

From the Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 17th October 1870, No. 2,804.

Adverting to the Board's official memorandum, dated 29th August last, No. 930, I have the honour to state that, in my opinion, it is expedient to extend the provisions of Standing Order No. 401-1, so as to prohibit the purchase by village-officers of land sold in their villages on account of Government revenue.

2. I beg to subjoin my Officiating Sub-Collector's letter, conveying an opposite opinion. My Head Assistant, the only other officer who has favoured me with an opinion, agrees with me.

Enclosure No. 1.

From the Officiating Sub-Collector, to the Collector of Nellore, dated 13th October 1870, No. 452.

I have the honour to acknowledge receipt of Board's official memorandum No. 930, dated 29th August last.

2. Evasion of such a rule as that prescribed by the Collector of Salem is so easy of accomplishment and so difficult of proof that I doubt whether it is advisable to adopt the rule. If village-servants are prohibited from making the purchases referred to in their own name, they doubtless will, if inclined to do so, buy in the names of relatives or dependants. I am, on general principles, averse to the multiplication of petty restrictions on public officers. Where lands are found to be sold below their value, and to have been purchased by or on behalf of any of the village-servants, I would deal with the case as a dereliction of duty and an abuse of office. I do not think that a new rule would affect matters one way or the other.

From the Acting Collector of Bellary, to the Acting Secretary to the Board of Revenue, dated Hospett, 30th September 1870, No. 345.

With reference to the Sub-Secretary's office memorandum No. 930, dated 29th ultimo, I have the honour to state that I think it is undesirable to extend the provisions of Standing Order No. 401-1, so as to prohibit the purchase by village-officers of land sold *in their villages* on account of Government revenue. A report of all such purchases might, with advantage, be made to the divisional officer.

2. The Acting Sub-Collector and Acting Head Assistant Collector both think that some restrictions should be placed upon the purchase of such lands by village-officials, and suggest that the permission of the divisional officer to bid be, in all cases, obtained prior to the day of sale.

3. The Deputy-Collector considers it undesirable to extend the provisions of the Standing Order to village-servants, and considers that the fact of the sale being held by the Revenue Inspector, an officer entirely independent of them, is a sufficient guarantee against irregularities.

From the Collector of Cuddapah, to the Acting Secretary to the Board of Revenue, dated 30th January 1871, No. 17.

In reply to Board's official memorandum dated 29th August last, No. 930, I have the honour to state that, with the exception of the Sub-Collector, the divisional officers of this district are opposed to the introduction of the change advocated by the Collector of Salem.

2. My own opinion is in accordance with that of the majority. I think it unnecessary to prohibit village officers from purchasing lands sold in their villages on account of arrears of Government revenue, (1), because such a prohibition would lower their authority in the eyes of the people; (2), because to deprive the most wealthy inhabitants of the opportunity of buying would depreciate the value of the property which might then be sold to poorer ryots for less than it was worth; and, (3), because the restraint would be ineffectual to prevent a village-official from buying through another, and would so far tend to fraud.

3. Improvements may, no doubt, be effected in the mode of conducting sales, as it is often the case that due publicity is not given, and the rules on the subject not strictly observed, but I would deprecate any measure of the kind suggested in the memorandum under reply.

From the Collector of Kurnool, to the Acting Secretary to the Board of Revenue, dated 14th October 1870, No. 342.

I have the honour to inform you that I am opposed to extending the provisions of Board's Standing Circular No. 401-1 to village-servants, because I consider that village-servants should possess lands in their own village, and that they obtain respect and influence in proportion to the extent of land in their holding.

From the Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 4th october 1870, No. 412.

With reference to the Board's official memorandum No. 930, I have the honour to enclose copy of a letter from the Acting Sub-Collector of this district, and to state that I concur in the opinions therein expressed.

2. Any irregularity committed at a revenue-sale of land can be remedied by the Collector if an appeal is made to him within thirty days from the date of sale, and it appears to me that this provision is sufficient to check abuses of the nature noticed by the Collector of Salem.

3. Monigars in this district are not paid officers, and a rule prohibiting them from purchasing lands at revenue-sales would have the effect of depreciating the value of the office in the eyes of substantial landholders.

ENCLOSURE No. 1.

From the Acting Sub-Collector, to the Acting Collector of Chingleput, dated 30th September 1870, No. 398.

IN reply to your memorandum on Board's Circular Memorandum No. 930, of the 29th ultimo, I have the honour to state that it seems inexpedient to prohibit the purchase by village-officers of lands sold in auction on account of Government revenue in their villages. It would, moreover, be found, in practice, impossible to enforce the rule.

2. It must be remembered that some of the village-officers are, or should be, always the leading landed proprietors of the village, and these sales give them a fair opportunity of extending their possessions. Besides this, the Government is directly benefited by the security for regular cultivation and payment of the assessment given by the transfer in this way of lands from needy to substantial men.

3. Another consideration. The families of these persons are, in the main, undivided. It would be scarcely fair and would be impolitic in a revenue point of view in several ways, which will readily suggest themselves, to put all the members of such families on the prohibited list, and, if this were not done, there would be no sense in the rule.

4. It cannot be denied that irregularities do occasionally result from the present system, but it is equally certain that the occurrence of such is next to impossible without the complicity of the talook-officials, under whose control the whole matter is. It is not difficult, by severe punishment, to put a stop to any great abuse of the present exemption of the village-officers from the Standing Order in question.

From the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 14th October 1870, No. 195.

WITH reference to the Board's official memorandum No. 930, dated the 29th August last, I have the honour to state that I am decidedly of opinion that the provisions of the Board's Standing Order No. 401-1 ought to be extended, so as to prohibit the purchase by village-officers of land sold in their villages for arrears of revenue.

From the Acting Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Cangianellore, 15th September 1870, No. 400.

I HAVE the honour, with reference to the Acting Sub-Secretary's official memorandum, dated 29th ultimo, No. 930, to state that, in my opinion, village-officers should be prohibited from purchasing land sold in their villages on account of arrears of Government revenue, and that the provisions of Standing Order No. 401-1 should be extended so as to prohibit such purchase.

2. In two or three instances that have come to my knowledge since I joined this district, where the village-officers fraudulently purchased land sold in their villages for arrears of revenue at unduly low rates, I have had the sales cancelled, and the land put up again to auction and purchased on account of Government.

3. I believe that a rule of the kind now proposed would do much to check roguery that at present goes on to a very considerable extent. I would suggest that the rule be so worded as to prevent the village-officers acquiring the lands either in their own or other person's names.

Proceedings of the Madras Government, Revenue Department,
5th July 1871.

From the Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 13th September 1870, No. 238.

IN reply to your official memorandum No. 930, of the 29th ultimo, I can see no possible objection in extending the Circular Order No. II. of 1866 to village-officers in cases of the sale of lands in their villages for arrears of revenue. The spirit of the order as it stands seems to me to apply equally to village as to talook or huzoor servants.

From the Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Vallam, 17th September 1870, No. 306.

WITH reference to the Board's official memorandum dated 29th August 1870, No. 930, I have the honour to state that the prohibition contained in Standing Order No. 401-1 has always been held to apply to the Curnums in this district, who are servants of Government, receiving their salaries from the public treasury, and appointed and dismissed in exactly the same manner as other Government servants.

2. The only other classes of village-servants in this district are Pattamanegars and Vattam Vettians; and as they are generally employed in distraining property as well as in collecting kists, it appears to me desirable that they as well as Curnums should be expressly prohibited from purchasing land or any other property sold for arrears of revenue in their vattams.

From the Acting Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 23rd September 1870, No. 214.

ADVERTING to the Board's official memorandum No. 930, dated the 29th ultimo, I have the honour to inform you that ever since I joined this district there have been several instances of fraudulent misconduct on the part of Curnums in the disposal of lands which have been sold for arrears of revenue. I am therefore inclined to recommend that the prohibition *should* be extended to village-servants.

From the Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 29th September 1870, No. 287.

IN reply to the Board's official memorandum No. 930, dated 29th August 1870, I have the honour to report that I see little use in extending the provisions of the Standing Order No. 401-1 to the village-officers, as they cannot be carried out. We cannot prevent village-officers from buying land indirectly, *i.e.*, through another person. It would be better to allow them to purchase the land openly, and I would make every sale void when any concealment of office was made at the time of purchase.

From the Acting Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated Courtallum, 17th September 1870, No. 454.

WITH reference to Board's official memorandum No. 930, dated 29th August 1870, I beg to say I consider that the provisions of Standing Order No. 401-1

should be extended to *village-officers*, so as to prohibit them from purchasing lands sold in their villages for arrears of revenue.

From the Acting Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 29th October 1870, No. 270.

With reference to Board's official memorandum dated 29th August 1870, No. 930, I have the honour to state that I am of opinion that the provisions of Standing Order No. 401-1 should be extended, so as to prohibit village-officials purchasing land in their villages sold for arrears of revenue. Three of the division officers concur with me, the Sub-Collector being the only dissentient.

From the Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Uppinangadi, 22nd October 1870, No. 1,387.

With reference to the Board's official memorandum dated the 29th August 1870, No. 930, I have the honour to state that, in my opinion, it would be unadvisable to prohibit Potails from purchasing at public auction lands in their villages sold for arrears of revenue.

2. The Potailship is more of an honorary than a paid office, and I do not think that any such restrictions should be placed on the holders of it who are generally the wealthiest and most influential men in their villages and the best able to increase their estates.

3. The Shanbogue is the Accountant of a cluster of villages, and as the office is a paid one and is generally held by a different class of men to the Potails, there would be no objection to disqualify these officers from acquiring such lands.

From the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 13th September 1870, No. 312.

In reply to the Board's official memorandum, dated 29th August 1870, No. 930, I have the honour to report that, in my opinion, the purchase by village-officers of land sold on account of Government revenue in their villages should certainly be prohibited.

2. I would extend the prohibition to lands which might have been sold for arrears within a period of ten years.

From the Commissioner of the Nilgiris, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 15th September 1870, No. 134.

With reference to your Sub-Secretary's official memorandum No. 930 of 29th ultimo, calling upon all Collectors to report upon the propriety of prohibiting the purchase by village-officers of lands sold in their respective villages on account of Government revenue, I have the honour to state that I consider the prohibition very desirable.

The above are the Collectors' replies to the Board's Circular Memorandum, requesting their opinion as to the propriety of extending the provisions of Standing

Order No. 401-1, so as to prohibit the purchase by village-officers of lands sold in their villages for arrears of revenue.

2. Ten of the Collectors are in favour of extending the rule. Mr. Webster (South Canara) would extend it to Shanbogues (Curnums) only. None of the Collectors give any further reason for their opinions, nor do they notice the objections to the rule.

3. The rest are against it, and point out (1) that it would be practically impossible to enforce such a rule; (2) that it would unduly depreciate the value of the property for sale; (3) that it is desirable that village-officers should be men of large possessions; and that the irregularities referred to can be put a stop to by cancelling all sales when they occur and by severe penalties on the Revenue Inspectors concerned.

4. After the fullest consideration the Board are of opinion that the order ought to be extended to officers employed by Government within the villages who are the direct agents of Government in such sales. It is true that it may be somewhat difficult of enforcement; and many false complaints will no doubt be made by defaulters that relatives of the village-officers have purchased their lands with a view to escape the consequence of their own default; but if the principle of the rule be admitted to be good in the case of the higher revenue-servants, it must be at least equally good in the case of village-officers who are remote from observation, possess great influence, and consequently have greater opportunities for evil than the higher revenue-officials.

5. As, however, there is a considerable weight of opinion against the proposition, and the change is one of considerable importance, the Board resolve to submit these Proceedings for the orders of Government together with a file of the Collectors' replies.

No. 43. Order thereon, 5th July 1871, No. 1,159.

Land Revenue.

On full consideration of the measure proposed by the Board, the Government are of opinion that the balance of advantage is against it.

2. The village-officers cannot directly compel the sale of land or indirectly do so by promoting the accumulation of arrears. Their influence is limited to the time of the sale, and although it may then be occasionally exerted for an improper end, there are other considerations which, in the opinion of Government, forbid the unqualified prohibition suggested by the Board.

3. In the first place it is extremely doubtful whether such a prohibition would be really effectual, *i.e.*, whether it would not be evaded by be-námi transactions or through the agency of friends and relatives.

4. If, however, the prohibition were effectually maintained, it would often stand in the way of those who wished honestly and fairly to invest their money in land, and in such cases it would needlessly reduce the sum available for the payment of the Government dues and the extrication of the ryots from difficulty, while, like all protective measures, it would tend to weaken the interest of the ryots in their own concerns.

Proceedings of the Madras Government, Revenue Department, 5th July 1871.

5. The Government are therefore opposed to interference of the nature suggested by the Board. They consider, however, that a useful object will be served if in all cases, when lands are purchased by village-officers, an entry to that effect, specifying the name and office of the purchaser, be made on the return of sales, and the Board are requested to issue instructions to this effect.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Acting Secretary to Government.

CIRCULAR ORDER, No. II of 1866.

Board No. 471.

Proceedings of the Board of Revenue, dated 20th January 1866.

It is hereby notified, for general information, that Revenue and Magisterial servants are prohibited from purchasing directly or indirectly any kind of property, moveable or otherwise, at sales on account of Government dues in the Taluks or the Hoozoor station in which they may be employed.

(A true Extract.)

(Signed) W. HUDLESTON,
Secretary.

(True Copy.)

(Signed) H. M. C. KELLY,
Acting First Assistant.

To All Collectors.

Rec'd. 5th July 1870

Circular Order, No. II. of 1865.

Proceedings of the Board of Revenue,

To All Collectors.

Dated 20th January 1865.

Received

Board No. 471.

Prohibiting Revenue and Magisterial servants from purchasing any kind of property at sales on account of Government dues, in the Talaks or the Hoozoor station in which they may be employed.

NOTICE.

It has been brought to the Collector's notice in more than one instance, that the village servants are in the habit of purchasing lands sold in their villages on account of arrears on Government revenue. This is not only opposed to Board's Standing Orders Nos. 401 and 401-1, but also leads to fraudulent practices on the part of village servants. Such has been the case if two instances which the Collector has had before him in appeal and in which he was obliged to cancel the sales.

2. The Collector directs that all Tahsildars will inform their village officers that they are not at liberty to bid for or purchase *directly* or *indirectly* lands put up for sale on account of arrears of revenue. Any infringement of this rule should be brought to the Collector's notice.

Salem,
4th July 1870.

(Signed) C. N. POCHIN,
Collector.

Exd. T. Cartledge.

136

No. 930.

OFFICIAL MEMORANDUM.

With reference to the enclosed copy of a Notice extracted from the *Salem District Gazette*, Collectors are requested to favour the Board with their opinion as to the propriety of extending the provisions of Standing Order No. 401-1, so as to prohibit the purchase by village officers of land sold *in their villages* on account of Government revenue.

By Order,

(Signed) J. B. PENNINGTON,
Acting Sub-Secretary.

Revenue Board Office,
Madras,
29th August 1870.

(True Copy.)

(Signed) J. T. MAYNE,
First Assistant.

To all Collectors,
with copy of a Notice.

Exd. T. Cartledge.

REVENUE DEPARTMENT.

No.

From

Dated 18 .

FORWARDED.

1870.

Board of Revenue,

MADRAS.

No. 930.

OFFICIAL MEMORANDUM.

Dated 29th August 1870.

Received

Encl.

Lands.—All Collectors requested to favour Board with their opinion as to propriety of extending provisions of Standing Order No. 401-1, so as to prohibit purchase of —, sold in their village for arrears of revenue.

a Hectare - or advantageous in the
main, if Hectare - and I think
restrictions based on the principle
that able men are rogues and bad -
The Village Officers, of course,
cannot be entrusted the sale of lands -
the selling into aliens does not
depend on them but on the right -
If they also be limited from
holding at such sale, the best
bidder will often be excluded
& the highest land will be let
to an Ignorant person - but it will be an
obstacle only to honest men from
bidding & buying - the main transac-
tion will be retarded & - and the
expense of valuation & friends will
be called in to please - I think it
better should be left to the

people & how best they can allocate
them - them according to them in the
first instance subject to regulation.
The Extent of land sold
is comparatively very small, and
as far as we can judge latches is
value - therefore buyer & vendor should
fix the same & Officer of the Province
when a Pol Official - I see no reason
for any change - The Clerk can
always interfere, if the price unduly
is low or if combination is made -
and many a village Officer, while
living honestly & frugally & being loved
will be tempted from the temptation
of selling & underhand practices
The Lessee by the present law
with the prohibition of the sale can
not let back prohibition can be done
a matter of administrative detail
within the competency of the Superi

FOR ORDERS.

Nr. 1159 Rev. Dept.

Rev. of the Madras Govt
Under date the 5th July 1871

Read the following
Rev. of the Board of
Revenue -

Forbg Rev. Bd's Rec.
stating that provisions of
Standing Order No 101-1
should be extended so as
to prohibit purchase of
lands sold for arrears
of Govt Revenue by Village
Officers when the lands are
situated in their villages.

Ltr. 19th May 1871,
No 209.

On full con-
sideration of the
measure proposed
by the Board, the
Govt are of opinion
that

that the balance of
advantage is against
it.

2. The Village Officers
cannot directly compel
the sale of land or indi-
directly do so by pre-
venting the accumula-
tion of arrears. Their
influence is limited
to the time of the sale,
& although it may then
be occasionally exerted
for an improper end,
there are other considera-
tions which, in the
opinion of the Board,
the unqualified pro-
hibition

prohibition proposed
by the Board

3. In the first place
it is extremely doubtful
whether such a prohi-
bition would be really
effectual: ie whether
it would not be evaded
by the parties borrow-
ing or through the
agency of friends or
relatives

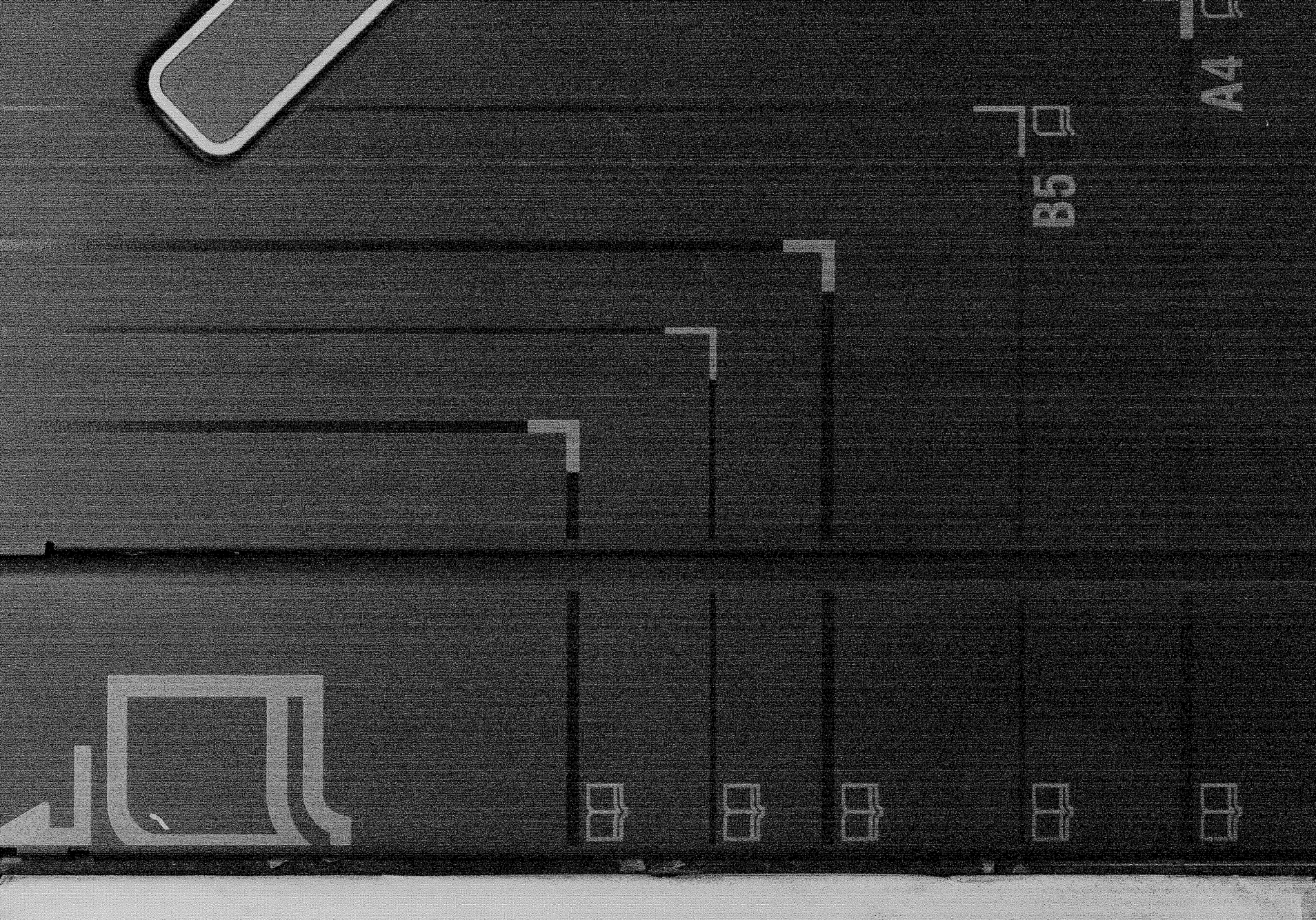
4. If however the
prohibitions were ef-
fectually maintained,
it would often stand
in the way of transac-
tions reasonable & morally

aved fairly to invest
their money in land,
& in such cases it
would necessarily lessen
the sum available for
the payment of the
Court dues & the exe-
cution of the Judg-
ments difficulty: while
it is all protective
measures should
tend to weaken the
interest of the Judg-
ment Creditors
I ... the Act are
therefore directed to
endeavour to the
utmost to effect by

the Board. They
consider however that
a useful object will
be served in all cases
when lands are pur-
chased by Village
Officers, an entry to that
effect specifying the
name & office of the
purchaser be made
on the returns of sales,
& the Board are re-
quested to issue in-
structions to this effect

&c.

14 Letter Bd of Rev. Dec. 26



№ 42-43