

338
24-2-71

India Office,
London, 22nd December 1870.

Revenue,

No. 35

To His Excellency The Right Honourable The Governor
in Council, Fort St. George.

My Lord,

Para. 1. I have had under my consideration in Council the Despatch from your Excellency in Council, dated the 7th September last (Land Revenue, No. 3), with which you forward a Memorial from certain landholders in British Cochin, represented by you as "protesting against the appropriation by Government of the 'jennum,' or proprietary right in the escheated lands which are occupied by them."

2. I have referred to the previous correspondence on the subject, which is recorded on the Proceedings of the Board of Revenue and on those of your Government.

3. It seems to me that you have somewhat misapprehended the purport of the petition. I do not see that the memorialists in any way dispute the claim of the Government to the "jennum," or proprietary right in the lands which they occupy, and the term "escheated" does not seem to be properly applicable to lands the proprietary right in which appears never to have passed out of the hands of the State. The object of the memorial is more accurately described in the following extract from the letter of the Officiating Collector of Malabar, dated the 21st December 1869, in which he says, "Petitioners do not claim the 'jenm' of the lands. They only complain that they are compelled to purchase this right at an exorbitant valuation, or, in default, to see the 'jenm' right pass from Government into the hands of others, who will not be so scrupulous in regard to ejectments."

4. With respect to the alleged exorbitancy of the valuations, I see no reason for interfering with the proceedings of your Government. The amount fixed by the "local arbitrators" was Rs. 4,18,274, but this was reduced to Rs. 1,94,493 by the Deputy Collector, and even Mr. Ballard, the Collector, who proposed a further reduction of Rs. 31,683, admits that "the Deputy Collector's valuations are perfectly justified by local custom." It is stated, moreover, that these valuations were, in the first instance, "acquiesced in by the tenants, numbering in all 390 individuals, among whom were the present memorialists, who do not appear to have then demurred to the price fixed."

5. It does, however, appear to me that the memorialists have some real ground of complaint in the requirement that the occupants themselves should, by an immediate payment or by short instalments, purchase the jenm right on their lands; and, failing their ability to accomplish the purchase, that they should see the jenm right put up to public auction, and pass into other hands; "in which case," as your Government observe, "it was considered that the Government would be

This seems to me to be reasonable

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"a large gainer." Mr. Ballard, the Collector of Malabar, states that the new valuations "fix a value on those lands which is tantamount to doubling or trebling the rental at a stroke, and, moreover," the tenants are required "to pay the capital representing the enhanced rental in a few lump instalments." It is probable that few, if any, of the tenants would be in a position to furnish the purchase-money out of their own resources, and the effect of throwing so large an amount of Government property on the market at one time would probably be to render it difficult, if not impossible, to obtain the required advances from local capitalists. Under the orders of which the memorialists complain, a forced sale of the jenm right would consequently become unavoidable, and the proprietary right would pass into the hands of parties unrestrained by any motive of interest from using to the utmost the power of ejectment conferred by law and custom, which the Government have, on principle, hitherto retrained from exercising.

6. I find on the Proceedings of the Board of Revenue, of the 28th January 1869 (recorded on the Proceedings of your Government of the 19th May 1869), a proposal of the Board for dealing with a class of cases similar to those now under notice, which appears to me to deserve more serious consideration than it seems to have received. "The Board would," they say, "offer the holders of the land the option either of buying it outright, or of paying with the annual assessment a sum equivalent to 5 per cent. per annum on the capital sum, with the power of redeeming this at 20 years' purchase. The latter arrangement," they add, "would suit those of the landholders who may not be able to purchase the right at once."

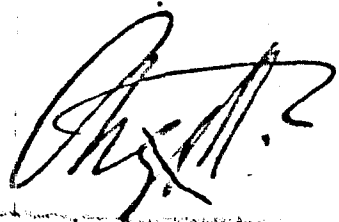
7. Some such plan would, in my opinion, go far towards reconciling the undisputed right of the Government to an enhancement of its rental, as jenmakar, with the reasonable claims of the tenants to be protected from arbitrary dispossession from the lands which they occupy as representatives of the parties by whom they were originally reclaimed, and who are described as having been "encouraged for a quarter of a century and more to look upon their tenancy as an occupancy only inferior to proprietary right, and beyond arbitrary enhancement of rentals, save on the clearest grounds."

8. I have no wish to impose this plan on your Excellency in Council by way of instruction, as objections may exist to it which are not apparent on the face of the Proceedings; but I desire that the whole question may be carefully reconsidered, and the result reported to me.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,



Originals Nos 3 of 15,000
20 / September / 70 Nos 1-2
4-9-76.

No 10
Revenue
22nd Dec 1870
The Letter to Fort St George
No 33

Received on the 17th Sept
via
Brindisi & Bombay

SC No 338. 24 February 1871

Requesting to reconsider the
question of a protest made by
certain landholders in Cochin
against appropriation by Govt of
the "jumm" or proprietary right
in the excheated lands occupied by them.

Pro 24 Feb / 71 B. No 269

No. 338

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 24th February 1871.

Read the following letter Despatch
from the Right Honorable the Secy.
of State for India.

Requesting to reconsider the
question of a protest made by
certain landholders in Cochin
against appropriation by Govt of
the "jumm" or proprietary right
in the excheated lands occupied by
them.

(H. E. 22^d Decr 1870 No 33.)

The Despatch of
the Right Honorable the
Secretary of State will be
referred to the Board of Rev.
with instructions to obtain
a report from the Collector
of Malabar on the suggestions

Continued

contained in it, and to submit
the report to Govt. with
their own remarks.

L. B.

44 To the Board of Revenue Dec. 24 Feb 1871

Supd. Secy

MS.

Attestation of
the General Agent
in the Republic
Land in Mexico

Document

6/20/92
No 21 84/92 17200

Received 24-7-71

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