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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No.	2784	Press. / Mis.
Dated	18-9-1877	197 .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

18th September 1877, No. 2,784.

Read the following paper:—

No. 362. Proceedings of the Board of Revenue, dated 13th July 1877, No. 3,283.

Read again G.O., dated 3rd February 1877, No. 498, recorded in Board's Proceedings, dated 1st March 1877, Miscellaneous No. 3,026.

Read also the following letters:—

From J. F. PRICE, Esq., Acting Collector of Cuddapah, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Pullampett, 8th March 1877, Extra No. 207.

I HAVE the honor to acknowledge the receipt of the Proceedings of the Board, Miscellaneous No. 3,026, dated 1st instant.

2. I beg to offer the following remarks upon the rules to which they give cover, and in doing so I quote the paragraphs.

Paragraph 3.—It is not stated whether the application shall bear a stamp or not. It appears to me that it should, and that the stamp should be one of 8 Annas.

(I.) I would suggest the insertion after "residence" of the words "including taluq and district."

I think that it would be advisable to require the applicant to state the time within which it is proposed to complete the work for which the advance is sought.

(II.) It appears to me desirable that there should be a definite rule regarding these points, and that it should not be left to applicants to propose the period within which repayment should be made.

Paragraph 9.—This seems to be opposed to the concluding portion of paragraph 8, from which I gather that a Collector may reject an application without first holding a local inquiry.

Paragraphs 13, 14, 15, *and* 23.—This portion of the rules would not suit this Presidency, as there are no Commissioners in it. The nearest approach to this rank is the Collector. Some modification would be required for Madras, as the Act does not authorize the local Government to give to any officer the powers of a Commissioner.

Paragraph 16.—Nothing is said as to how the fees for serving notices are to be paid, whether in money or stamps. I prefer the latter, but it would be as well to make a distinct rule.

Paragraph 17.—It is not stated whether the certificate is to be stamped or not. The local Government has ruled that it is to bear the stamp for a mortgage.

3. I presume that the words "Assistant Collector in charge of the Sub-division" include Assistant, Head Assistant, Sub, and Deputy Collectors. In Bengal, I believe, every division of a district is called a sub-division.

From W. McQUHAE, Esq., Collector of Madura, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Pulni, 12th March 1877, No. 151.

WITH reference to the Board's endorsement, dated 1st March, on the Proceedings of Government, Revenue Department, dated 3rd February 1877, I have the honor to

state that advances under the Land Improvement Act are chiefly required in this district for digging wells; that the amounts required will rarely exceed Rupees 300, and that these simplified rules will still be found sufficiently elaborate to prevent the district benefiting in any considerable degree by the provisions of the Act.

2. Ordinary ryots will not understand or follow any procedure but the simple and sufficient one to which they are accustomed. They present a petition to the Collector or Divisional Officer, who either makes the necessary inquiries himself or refers it to the Tahsildar for report. The Tahsildar makes the report in any form that may be laid down, and the Collector or Divisional Officer either calls for more information or passes final orders on the report. Anything beyond this will only bewilder all concerned, and make the ryot look on an advance as a thing beyond his reach. I would strongly recommend that for advances under Rupees 300, for digging wells, the simple procedure now adopted in consideration of the character of the season be made permanent. Government will lose nothng, and wells are the only protection against seasons of droughts in most parts of the country.

3. With regard to advances for large works few modifications in the proposed rules appear to be necessary in order to meet local requirements. Applications should be presented to the Collector, the officer in charge of the division, or the Tahsildar of the taluq in which the land is situated, and the functions assigned to the Commissioner must, I presume, be discharged by the Board of Revenue.

From C. T. LONGLEY, Esq., Collector of Salem, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated 15th March 1877, No. 168.

With reference to the Board's Miscellaneous No. 3,026, dated 1st instant, communicating the draft of revised rules under the Land Improvement Act for remarks, I have the honor to offer the following suggestions:—

Rule 3.—One more heading may be added to indicate the local market value of the saleable interests offered as security for the repayment of the loan.

I would have all the particulars under headings Nos. 1 to 11 filled up by the applicants themselves in all cases without any reference to the amount of the loan; for the omission of some would, under Rule 4, tend to put the applicants to the trouble of appearing personally before the officer who receives the application.

Rules 4 *and* 5.—For the above reason I would omit Rule 4 and amend Rule 5, so as to suit the above suggestion.

Rule 6.—This might be omitted, as there is nothing in the records of the office of either the Tahsildar or the Collector to show what incumbrances there are on the interests pledged. The following rule may, however, be substituted.

The applicants shall, if possible, obtain the attestation of the Curnum and Monegar to their application in verification of the statements contained therein.

"This will enable the officer receiving the application to determine at once whether, under Rule 8, there is *primâ facie* reason to believe that the application may be granted."

Rule 12.—As the rule stands it appears that a Tahsildar authorized under Section 3 to exercise the powers of a Collector may grant a certificate up to Rs. 1,000. As this may not always be desirable, a provision might be added to the effect that the local Government should proscribe the amounts to be granted by the officers of the several grades who are authorized to exercise the powers of a Collector and that such officers shall issue certificates only up to such amounts.

Rule 13.—It is presumed that the Commissioner means the Collector of the district.

Rule 18.—This rule apparently means that payment may be made at any Treasury subordinate, of course, to the Collector, but Rule 22 restricts it to the Tahsildar's Treasury.

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From A. WEDDERBURN, Esq., Collector of Coimbatore, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated 28th March 1877, No. 106.

In reply to the Revenue Board's Miscellaneous Proceedings, No. 3,026, of the 1st March 1877, I have the honor to remark that the Deputy Tahsildars also may be included among the officers authorized to receive applications for advances.

2. I would require that every application be presented either in person or by an authorized agent, and would not dispense with the personal appearance of the applicants as seems to be intended by the 2nd clause of Rule 2.

3. I have no other remarks to offer in regard to the proposed rules.

From J. G. HORSFALL, Esq., Acting Collector of South Arcot, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Cuddalore, 4th April 1877, No. 145.

With reference to the Board's Proceedings dated 1st ultimo, Miscellaneous No. 3,026, I have the honor to submit my views on the draft rules under the Land Improvement Act embodied in G.O., of the 3rd February last, No. 498.

2. *Rule* 2.—(i.)—The words "Divisional Officer" should be substituted for "Assistant Collector in charge of the Sub-division."

(ii.)—Applicants for advances should be required to attend in person or by a duly authorized agent capable of answering all questions. Otherwise it will be impossible to comply with Rule 4, which requires certain particulars to be ascertained from the "oral statement" of the applicant.

Rule 7.—After the words "he shall" in this rule I would add "after filling in the particulars required by Rule 4, and after seeing that the particulars required by Rule 3 are also entered." This will save needless delay in the disposal of applications.

Rule 10.—Where the sum proposed to be expended exceeds Rupees 5,000, it will be desirable to introduce a condition that the work contemplated should have the District Engineer's approval.

Rule 12.—Collectors may be authorized to sanction advances up to Rupees 2,500, without reference to higher authority.

Rule 13.—*Et seq.*—The words "Board of Revenue" should be substituted for "the Commissioner." The first two sentences of this paragraph may be omitted, *i.e.*, up to the sentence beginning "If it exceeds, &c."

Rule 21.—It does not seem necessary to require parties to obtain the Collector's permission for repayment of advances before the time fixed. They should, I think, be allowed the privilege of repaying the loan at any time before the stipulated period.

Rule 22.—As to the place of repayment it appears to me that parties should be at liberty to pay at any Government Treasury within the district or with the permission of the Collector at any other Government Treasury.

Rule 23.—The second sentence may be omitted, "the Board of Revenue" being substituted for "the Commissioner" in the first paragraph.

Rule 24.—The prohibition against a second advance without the sanction of Government may be limited to advances exceeding Rupees 2,500; for sums below this the Board's sanction would be sufficient.

Rule 27.—The inspection of detailed accounts of disbursements is too inquisitorial where the advances are not large, and I would, therefore, omit the words "and any, &c., upon them" in this rule.

Rule 39.—The provisions of this clause are, I consider, too rigorous. It should be shown at least that the failure was wilful or fraudulent on the part of the persons who has received the advance, and I would, therefore, introduce the words "fraudulently or wilfully" after the words "has failed."

From J. GROSE, Esq., Collector of Nellore, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated 25th May 1877, No. 2,515.

WITH reference to Board's Proceedings, dated 1st March 1877, Miscellaneous No. 3,026, I have the honor to report that, although the new rules proposed under the Land Improvement Act seem to me to be better than the old rules, I do not think the advance is great enough to compensate for the confusion which must be caused by rescinding one set of rules and publishing another.

The greatest charge is the substitution of a limit of Rupees 1,000 for the limit of Rupees 500. The extension may, I think, be safely granted.

The rough plan and estimate required by the old rules in the case of works costing less than Rupees 500, the distinct assertion that Collectors may reject as well as accept applications after inquiry, and the obvious remark that advances should not be sanctioned in cases where the property of other parties will be injured by the proposed works, are omitted in the new rules. This can do no harm.

Old Rule V.
" " XVI.
" " XXI.

The new procedure requires fewer facts to be stated in applications for small sums; lets officers who cannot grant advances receive applications and send them on to the Collector; directs the Collector to report to a higher authority when the advance is greater than he can sanction; reserves the power of reviewing cases to Government and the Board; tells the local Government to regulate instalments, &c.; orders that all repayments shall be made at the Taluq Treasury; allows instalments to be suspended, and prohibits advances to be given to landholders in arrears with rent or revenue. I see no objection to any of these provisions.

New Rule 3. New Rule 21.
" " 7. " " 22.
" " 14. " " 31.
" " 15.

Of course the nomenclature of the rules as regards the "Assistant Collector in charge of Sub-division," "Commissioner," &c., will have to be modified if the rules are enforced in this Presidency.

THE foregoing letters are replies to the Board's Proceedings calling for an expression of opinion on the revised rules under the Land Improvement Act referred for the Board's remarks with the Government Order read above. The Collector of Nellore considers that the modifications proposed are not sufficient to necessitate the promulgation of a new set of rules; the Collector of Madura is of opinion that the rules are still too elaborate to prevent advantage being taken of the benefits offered, and considers that the simple procedure allowed in the case of advances not exceeding Rupees 300 during the present exceptional season should be perpetuated; the other Collectors merely comment upon some of the provisions of the rules, suggesting verbal alterations and amendments here and there, and approve apparently the general scope of the rules.

G.O., dated 26th January 1877, No. 384.

2. The alterations proposed by the Government of India are in the direction of an extension of the powers of the local Government in the settlement of details, and the formalities in respect of small advances need not be more stringent than the special arrangements now in force under G.O., 26th January 1877, as if Tahsildars are empowered by the local Government to dispose of applications within a specified limit, they can complete all the necessary inquiries and grant the certificates themselves under Rule 12 and the definition of the term "Collector" contained in Rule 8. In the Board's opinion the rules could not well be more elastic, and merely require some verbal alterations. The Board will now proceed to notice the points which appear to call for comment in order.

3. The first important change is that the limit as to the minimum amount of advances is withdrawn altogether; this meets an objection which has often been urged against the present rules; some limit must be imposed to prevent the revenue authorities being overburdened with work in connection with applications, and to ensure the useful application of the money; but this can be effected by departmental instructions and need not find place in the rules; the limit might be fixed at Rupees 50 at first.

4. The next change of importance is that the personal attendance of the applicant is dispensed with. Mr. Wedderburn objects to this provision, but as it is open to the officer receiving the application to require the attendance of the applicant, if necessary, and in case of default to reject the application, the Board do not see what would be gained by requiring personal presentation; a proviso to the effect that his attendance might be required at any time would suffice, this is, however, implied in the rules. The revised rules do not require that the application should be signed by the applicant and attested. As personal attendance is dispensed with, attestation seems all the more necessary; the signature of the village curnum or monegar might be required in token of the '*bona fides*' of the application and solvency of the applicants. The particulars specified in Rule 3 are the same as those enumerated in the existing rule: the time within which the work is to be completed might be added. The rough plan and estimate required at present in the case of works costing between Rupees 500 and Rupees 5,000 is now dispensed with.

5. The Board do not see the object of Rule 4 which seems to defeat the intention of Rule 2 dispensing with the personal attendance of the applicant as far at least as advances not exceeding Rupees 1,000 are concerned. If the particulars specified in Clauses 5 to 11 of Rule 3 are considered necessary in the case of small advances they should be inserted in the application by the applicant himself. One rule enabling the officer to return applications for amendment or supplement them from the oral statements of the applicant would suffice.

6. The method of the local inquiry is left to the discretion of the local Government by whom instructions in supersession of Rules IX, XII, and XIII must be issued; the preliminaries can now be simplified as occasion may require. The maximum of advances which the Collector is authorizad to grant has been raised to Rupees 1,000 from Rupees 500; the Collector will issue certificates for sums advanced under the Board's sanction, and all officers authorized by the local Government under section 3 of the Act can grant certificates for advances which they are competent to sanction Rules 14 and 15 are new; they merely provide for appeal and review; the reference to the Commisssioner is of course not suited to the circumstances of this Presidency; the rules can easily be modified by omitting all reference to this intermediate authority, and in Rule 2 Divisional Officers should be substituted for "Assistant Collectors in charge of the Sub-division."

7. The revised rules are silent as regards the stamp to be borne by the application and certificate and as regards the registration of the latter; probably because it was thought that as the Stamp and Registration Acts apply where their operation is not excluded express provisions on this point were unnecessary. To obviate error it might be as well to draw attention to the fact that certificates must be stamped as mortgages and registered when the advance is not less than Rupees 100. The stamp on the application is provided for by Act I, Clause 2, Schedule II, Act VII, of 1870, The fees payable under rule 16 should be paid in rtamps.

8. Rules 21, 22, 23, and 31 are new. With reference to the apparent conflict between Rules 18 and 22 [noticed by the Collector of Salem, the Board observe that the latter refers apparently to repayments; the word 'payments' should be altered accordingly.

The Board concur in the observations of the Collector of South Arcot on Rules 21, 22, and 24 which should be modified accordingly, but the provisions regarding examination of accounts and recovery forthwith of anp sum due in case of failure to perform any of the conditions on which the advance was made appear necessary safeguards, and the power would be but rarely exercised.

9. The only material difficulty that has suggested itself to the Bord so far as likely to arise in connection with the working of the rules is as regards the possibility of obtaining trustworthy information regarding the rights of the parties in the land

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to be improved and the land offered as collateral security. Very careful local inquiry will be necessary to ensure that the person offering his land as security is the real owner, and that the land is free from encumbrances to reduce thn risk of loss to a minimum. As regards the land to be improved the fact that the applicant proposes to spend money on the improvement is to a great extent a guarantee that it belongs wholly to himself, or that he and his coparceners have a common and undivided interest in it. Further as under Section 4, Act XXI, of 1876, amending Section 15 of the Land Improvement Act sums advanced are recoverable from the surety out of the property comprised in the collateral security. According to the terms of such security it seems necessary that the Law Officer should be consulted as to the nature of the document required to give validity to the contract, and that a form of certificate should be drawn up for use. No form is prescribed by the Act and in the few cases which have come before the Board as yet, a document in the form submitted herewith has been adopted, but it is possible that it may require amendment to render it legally binding, and in a matter of such importance there should be no doubt.

(Signed) C. A. GALTON,
Acting Secretary.

CERTIFICATE No. 1 OF 1877-78 GRANTED UNDER THE LAND IMPROVEMENT ACT, 1871.

Whereas Venkata Narasappa, Curnam of Mallem, in the Raidrug Taluq, Bellary District, has under the provisions of the Land Improvement Act applied for an advance of Rupees one thousand (1,000) for the purpose of constructing a well for the irrigation of the land mentioned in the first schedule hereunder written, and whereas in addition to the security of the land for the improvement of which the advance is required and as further security for the repayment of the advance he has offered the property described in the second schedule hereunder written, and his surety Gonahaloo Venkanna has agreed to mortgage to Government the land particularized in the third schedule hereunder written, the Board of Revenue authorize payment to the said Venkata Narasappa of Rupees one thousand (1,000) for the purpose aforesaid on the following conditions, viz. :—

That the advance shall be duly applied to the purpose for which it is made.

That the work for which the advance is made shall be completed within the period of one year from the date of payment of the advance.

That the amount advanced shall be repaid in ten yearly instalments of Rupees one hundred (100) each with interest on the amount advanced, or on such part thereof as shall from time to time remain unpaid at the rate of Rupees six and Annas four (6-4-0) per centum per annum, the first instalment being payable in one year from the date of payment of the advance.

That the land for the improvement of which the advance is made shall be security for the repayment of the advance and interest.

That as further security for the same purpose the property mentioned in the second and third schedules hereunder written shall be hypothecated to Government.

That in case the money advanced or the interest thereon is not paid as it becomes due it shall be recoverable from the applicant and his surety as arrears of land revenue as provided in Section 15 of the Land Improvement Act.

That the work and the accounts of expenditure thereon shall be at all times open to inspection by the Collector or other person authorized by him in that behalf.

That if at any time the Collector is satisfied that the said Venkata Narasappa has failed to perform any of the conditions under which the advance is made, the Collector may after recording in writing the grounds for the decision he has arrived at, and subject to the control of the Board of Revenue, proceed to recover under the provisions of the Land Improvement Act any sums which may remain due, together with any interest payable thereon.

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First Schedule.

District.	Taluq.	Village.	Number of Field.	Discription.	Extent.	Assessment.
						Rs. A. P.
Bellary ...	Raidrug...	Mallem.	No. 6 ...	Curnam Service Inam. Dry.	10 10 4	3 2 0

Second Schedule.

District.	Taluq.	Village.	Description of Property.
Bellary.	Raidrug...	Mallem ...	No. 1.—A house bounded on the east by Goondala Chinna Venkatinna's house, west by Curnam Raghanna's house, north by Matapally Goolappa's house, and south by a street. 2.—A house bounded on the east by Chakala Bojjiga and Madivaliga's house, west by Komati Yellapah's house, north by a street, and south by Shir Sahib's house.

Third Schedule.

District.	Taluq.	Village.	Description.	Number of Field.	Extent.	Assessment.
				No.		Rs. A. A.
Bellary ...	Raidrug...	Sollapuram ...	Dry...	16	21 31 4	19 5 0
				29	18 19 2	16 3 0
				131	16 0 0	24 0 0
				82	28 6 8	31 11 0
				56	34 10 12	36 6 0
				61	23 0 0	28 12 0
				115	6 0 0	9 0 0
				116	27 34 5	41 13 0
				92	12 0 0	18 0 0
Do. ...	Do. ...	Mallem	.....	A house bounded on the east by Shesha Reddy's house, on the west by Hanimi Reddy's house, on the north by Narava Timmappa's house, and on the south by a street.		
Do. ...	Do. ...	Sollapuram ...	.....			

(By order,)

(Signed) H. E. STOKES,
Secretary.

Revenue Board Office,
Madras,
19th April 1877.

No. 363. Order thereon, 18th September 1877, No. 2,784.

Land Revenue, No. 9.

The Board consider the proposed rules under the Land Improvement Act to be generally appropriate. A few alterations are suggested.

2. The Governor in Council is of opinion that the particulars alluded to in paragraph 4 of the Board's Proceedings should be given in all cases, and this may be done in the manner suggested by the Board. He does not think it necessary to consult the law officers as to the validity of the form referred to in paragraph 8.

3. The Board will be good enough to prepare and submit, in print, a draft of the rules embodying the alterations which they think necessary, and at the same time a sketch of the instructions or rules (alluded to in paragraph 5) which by revised Rule IX, the local Government have to prescribe for the conduct of local inquiries.

4. The Government request that these papers may be submitted with all despatch.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

Spare Copies

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Further Cr 4500/77 Jr. 3194
3-11-77

Govt. of [illegible]

REVENUE.

Dated September 1876.

THE BOARD OF REVENUE.

Dept.

G.O. No. [illegible]

SEPTEMBER
Nos 302-303.

Land Improvement Act. Requesting Board of Revenue to propose and submit for sanction a draft of the rules contemplated by section [illegible] of the said Act, in connection with the [illegible] and the [illegible] of the Local Government [illegible] Rules [illegible] the Local Government [illegible] the conduct of [illegible] Inquiries

REVENUE DEPARTMENT.

No. 3611.

From Revenue Board

Dated 13 July 187 7.

FOR ORDERS.

The Board consider the new Rules under the Land Improvement Act to be appropriate with a few alterations which they suggest.

May they be told to submit a fresh draft to Government with the alterations which they think necessary as well as the "instructions" or rules which under Rule 9 the Local Govt have to prescribe for the conduct of Local enquiries?

Yes - Submit a draft

Would it not be better that applications should be presented in person or by an Vakil? It seems certainly

Board's Rs Para 3

Is not marked d compulsory

desirable that the application should be signed & attested & that they should contain all the particulars required by Revised Rule 3. Rule 4 might be amended accordingly.

In regard to the Bd's suggestions do not call for particular remark. Should the forms alluded to at the end of paragraph 8 be sent to the Law Officers at once?

GHH

Yes Shd add this to the Rule.

Para 4 B of Rep:

Yes not complicate these simple matters for Law Agents

16/9 JM

7/278

No 361

FOR ORDERS.

Revenue Department

Re Land Improvement Act

Revenue Department

No 2784

Proceedings of the Madras Government

Under date the 18 September 1877

Read Proceedings of the Board of Revenue dated 13th July 1877 No 3283, submitting views with reference to G.O. forwarding revised rules under the Land Improvement Act.

The Board consider the proposed Rules under the Land Improvement Act to be generally appropriate. A few alterations are suggested.

The Governor in Council is of opinion that the particulars alluded to in para 4 of the Board's Proceedings should be given

given in all cases and this may be done in the manner suggested by the Board. He does not think it necessary to consult the Law officers as to the validity of the Form referred to in para 8.

3 The Board will be good enough to prepare and submit, in print, a draft of the Rules embodying the alterations which they think necessary and at the same time a sketch of the instructions or rules (alluded to in para 5) which by Revised Rule IX the Local Government have to prescribe for the conduct of local enquiries.

C/2789

The Por. Assessor thinks these papers ought to be submitted with all despatch

1/9

Dr. Secretary of Revenue 10-9-1)
L.G. 26-9-1)

L. O.

Revised Rates

under the Local Improvement

Act