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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.
B.P. No.

498

Press
Mis.

Dated

3. 2. 1877. 197.

Not to be folded or roughly handled

No. 70. Read the following letter from
Secretary to the Government of
culture, and Commerce (Takavi)
Secretary to Government, Revenue
Calcutta, 19th January 1877, No.

H. M. BATTEN, Esq., Officiating
Department of Revenue, Agri-
the Hon. D. F. CARMICHAEL,
Department, Fort St. George, dated

REFERRING to previous correspondence
for the consideration of His Grace the G
draft of a revised and simplified set of rul
the Land Improvement Act of 1871, whi
rules at present in force.

subject, I am directed to forward,
or in Council, the accompanying
giving effect to the provisions of
proposed to substitute for the

2. I am to request that, in the even
approval of His Grace the Governor in C
noted therein as may be considered ne
may be submitted for the formal sanction
in Council in accordance with Section 18

The revised rules meeting with the
a copy, with such modifications
order to meet local requirements,
Excellency the Governor-General
the Act.

ENCLOSURE No. 1.

Rules made by with the previous sanction of the Governor-General in Council
under the Land Improvement Act 1871, Section 81.

ADVANCES under these rules may be made from such sums as the Governor-General in
Council may from time to time allot to the local Government, or as may be otherwise at its
disposal, for the purpose of such advances.

2. Applications for advances under the Act shall be made in writing. They shall be
presented to the Collector of the district, to the Assistant Collector in charge of the sub-division,
or to the Tahsildar in charge of the tahsil in which the land to be improved is situated.

The personal attendance of the applicant is not necessary.

3. The application shall state—

(1.)—The name, caste, parentage, profession, and residence of the applicant.

(2.)—The amount of the advance applied for.

(3.)—The nature and description of the work for which the advance is required.

(4.)—The security offered for the repayment of the advance.

In the case of an application for an advance exceeding Rupees 1,000, the application shall
further state—

(5.)—Whether the applicant proposes to supplement the advance by any private capital,
and if so, to what extent.

(6.)—The estimated total cost of the proposed work, and the probable period that will be
occupied in its construction.

(7.)—The village and local revenue sub-division in which the land to be benefited is
situated; the position, character, and area of such land; and should it consist, in part or wholly,
of numbered and measured fields or plots, the numbers of the same.

(8.)—The applicant's rights or interests in the land to be benefited and in any other land
offered as security for repayment of the advance, and whether there are any, and if so, what
incumbrances on such rights or interests.

(9.)—The advantages expected to result from the work.

(10.)—The manner and extent to which the proposed work will affect (favorably or inju-
riously) adjoining or other lands.

(11.)—The amount and number of the instalments by which the advance is to be repaid,
principal and interest, and the dates on which these instalments are to be paid.

4. When the application is for an advance not exceeding Rupees 1,000, the officer to whom it is presented shall ascertain, so far as may be possible from the oral statements of the applicant, or otherwise, the particulars required by rule 3 (1) above; these particulars shall be recorded on, or on a paper to be attached to, the application, and shall be signed by the officer, read over to the applicant, and acknowledged by him to be correct.

5. If the application be for a sum exceeding Rupees 1,000, and it be found to have omitted any of the particulars required by rule 3, the officer receiving it may either return it for correction, or at his discretion proceed as required by rule 4 in the case of applications for sums not exceeding Rupees 1,000.

6. The statements under heads 5 to 11 of the heads mentioned in rule 3, whether contained in the application or recorded under rule 5, shall at once be tested, as far as may be possible, by reference to such records bearing upon them as may be accessible to the officer to whom the application is made.

7. If the officer receiving the application be not authorised by the local Government, under Section 3 of the Land Improvement Act, to exercise the powers of a Collector under the Act, he shall forward the application to the Collector of the district, who shall either dispose of it himself, or refer it to an authorised officer for disposal.

8. If the Collector or other such authorised officer as aforesaid (hereinafter called "the Collector") considers that there is *prima facie* reason to believe that the application should be granted, he shall cause it to be entered in the register of applications, and shall order a local inquiry to be made. If he is of opinion that the application should not be granted, he shall reject it.

9. There shall be a local inquiry in every case. It shall be conducted by such persons and according to such rules as the local Government may from time to time prescribe, and shall be directed to testing and verifying the statements required by rule 3 to be entered in the application, or by rule 4 to be recorded by the officer receiving the application.

If the officer receiving the application has been unable, in his examination of the applicant under rule 4, to obtain information under any of the headings (5) to (11) of rule 3, the omission shall be supplied by the person making the local enquiry.

10. When the work to be undertaken will cost more than Rs. 5,000, and is one requiring professional skill, the applicant shall be required to submit to the officer making the local enquiry an accurate plan, specification, and estimate. If the applicant is unable to furnish such a plan, estimate, or specification, the Collector may cause them to be prepared on behalf of the applicant, first requiring him to deposit such sum of money as may, in the opinion of the Collector, be sufficient to cover the cost, or, if he think fit, calling upon him to give security for the repayment of the same.

11. On the completion of the enquiry, the officer by whom it was made shall forward to the Collector the whole of the papers connected therewith, together with his own opinion and recommendation. If the Collector, on receipt of the papers, thinks further enquiry necessary, he may either make such enquiry himself or remand the case to the official who made the first enquiry, or transfer it to any other official authorised to conduct such enquiries for the purpose of a further investigation being made.

12. If on a review of the local enquiry the Collector is satisfied that the advance may be properly made, or that a less sum than that asked for may properly be granted, he shall record a decision to that effect. On recording such decision, the Collector may, if the amount of the advance to be made does not exceed Rs. 1,000, at once grant a certificate for the advance under Section 14 of the Act.

13. If the amount of the advance exceeds Rs. 1,000, the Collector shall report his decision to the Commissioner. If the advance does not exceed Rs. 2,500, it may be sanctioned by the

Commissioner. If it exceeds that amount, it shall be reported to the Board of Revenue, who may grant it if it does not exceed Rs. 5,000. Advances of sums above Rs. 5,000 require the sanction of the Local Government, and of sums above Rs. 10,000 that of the Government of India. The Collector, Commissioner, Board of Revenue, or Local Government may, on perusal of the records of the local enquiry, if they think that the advance should not be granted, refuse to grant it, or may order further enquiry, if they think fit to do so. On receipt of the orders of the authority competent to grant the advance, the Collector shall issue a certificate for the amount if it be ordered to be granted.

14. When the Collector rejects the application for an advance, his decision shall be subject to appeal to the Commissioner, who may, if the amount be within his competence to grant, disallow the rejection and direct the Collector to grant a certificate. If the amount be beyond his competence to grant, he shall report the case for the orders of the authority competent to grant it. Decisions by Commissioners rejecting applications shall similarly be open to appeal by the Board of Revenue, and those of the Board of Revenue by the Local Government.

15. It shall be competent to the Commissioner, the Board of Revenue, or the Local Government, to call for the record in any case, and to pass such orders thereon as may be within their competence, respectively.

16. When the advance applied for does not exceed Rs. 1,000, no charge shall be made for serving such notices as it may be necessary to serve under Sections 7 and 11 of the Act. When the advance applied for exceeds Rs. 1,000, but does not exceed Rs. 5,000, the serving of any notice which it may be necessary to serve shall be paid for by the applicant at a rate not exceeding half the rate required for the service of a notice by a revenue court in the district in which the land is situate. When the advance applied for exceeds Rs. 5,000, the rate shall be that fixed for serving a notice by a revenue court in the district in which the land is situate.

17. When a certificate is granted, it shall be endorsed by the applicant to the effect that he has understood and agreed to all the terms, and it shall be signed by him in the presence of, and shall be attested by, two witnesses. If any property other than the property of the applicant is pledged or mortgaged as security for the repayment of the advance, the certificate shall be similarly endorsed, signed, and attested by the sureties and witnesses; and if the applicant is a tenant who cannot furnish security of the nature referred to in Section 7 of the Act, the certificate shall be signed by his landlord and attested by two witnesses other than the landlord.

18. The certificate shall be retained in the office of the Collector; one copy shall be given to the applicant, and when advances are made payable at any tahsil or other subordinate district treasury, a copy of such certificate shall be sent to such treasury.

19. Except with the special sanction of the Local Government, no advance of any sum not exceeding Rs. 500 shall be made, unless it be repayable with interest within 7 years from the date on which the advance is made; and no advance exceeding Rs. 500 shall be made without such sanction unless it be repayable within 12 years from such date. If in any case the proposed period of repayment exceeds 20 years from such date, the sanction of the Government of India to the proposed advance must be obtained.

20. The interest charged on advances shall for the present be $6\frac{1}{2}$ per cent. per annum.

21. The Local Government may, subject to the provisions of rule 20, make rules for the repayment of advances with interest, and for regulating the instalments by which advances may be repaid, and the place and time of repayment. Any person wishing to repay the advance received by him, or instalments of it, at an earlier date than that fixed in the certificate, may do so with the permission of the Collector.

22. All payments shall be made at the office of the Tahsildar in whose tahsil the land to be improved is situated. The Tahsildar shall keep a register of advances and repayments in such form as the Local Government may from time to time prescribe for that purpose.

23. Instalments may be suspended if the Commissioner for any reason that would justify suspension of the revenue demand the Commissioner shall report the suspension to the Board of Revenue, who may pass such order in the case as shall seem proper.
24. No project shall be divided, and an advance has been sanctioned, and the whole or part thereof expended, a second advance shall not be made without the sanction of the Local Government.
25. No advance shall be made while the value of the security offered exceeds by at least one-fourth the amount of the advance.
26. Subject to the orders of the Local Government, the Collector shall make provision for the proper inspection of works in course of construction for which advances have been made, and for ascertaining and securing that such advances are duly applied to the purpose for which they were made.
27. The works and any accounts kept by the disbursements upon them shall be at all times open to the inspection of the Collector or any person authorised by him in that behalf.
28. In the case of advances exceeding Rs. 5,000, accounts shall be kept by the recipient of the advance in any form that the Collector may, with the sanction of superior authority, prescribe.
29. If at any time the Collector is satisfied that any person who has received an advance has failed to perform any of the conditions under which it was made, he may, after recording in writing the grounds for the decision he has arrived at, and subject to the control of the superior revenue authorities, proceed to recover from such person, or from any security of such person, under the provisions of the Act, any sums which remain due together with any interest payable thereon.
30. All works for which advances are made in a lump sum shall be inspected and reported on as soon as possible after the date on which the completion was directed in the certificate. All works for which advances are made by instalments shall be inspected and reported on before each instalment subsequent to the first is paid.
31. No advances shall be given—
- (1).—To any land-owner who is in arrears for land revenue, or for any advance under the Act.
 - (2).—To any tenant who is in arrears for rent, or for any advance under the Act.

No. 71.

ORDER THEREON, 3rd February 1877, No. 498.

Miscellaneous.

COMMUNICATED to the Board of Revenue
for their remarks.

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Secretary to Government.

To the Board of Revenue.

Exd. A. F. Goodall.

Rules made by the previous sanction of the Governor General in Council under the Land Improvement Act 1871, Section 81.

ADVANCES under these rules may be made from such sums as the Governor General in Council may from time to time allot to the local Government, or as may be otherwise at its disposal, for the purpose of such advances.

2. Applications for advances under the Act shall be made in writing. They shall be presented to the Collector of the district, to the Assistant Collector in charge of the sub-division, or to the Tahsildar in charge of the tahsil in which the land to be improved is situated.

The personal attendance of the applicant is not necessary.

3. The application shall state—

- (1).—The name, caste, parentage, profession, and residence of the applicant.
- (2).—The amount of the advance applied for.
- (3).—The nature and description of the work for which the advance is required.
- (4).—The security offered for the repayment of the advance.

In the case of an application for an advance exceeding Rs. 1,000, the application shall further state—

- (5).—Whether the applicant proposes to supplement the advance by any private capital, and if so, to what extent.
- (6).—The estimated total cost of the proposed work, and the probable period that will be occupied in its construction.
- (7).—The village and local revenue sub-division in which the land to be benefitted is situated; the position, character and area of such land; and should it consist, in part or wholly, of numbered and measured fields or plots, the numbers of the same.
- (8).—The applicant's rights or interests in the land to be benefitted and in any other land offered as security for repayment of the advance, and whether there are any, and if so, what incumbrances on such rights or interests.
- (9).—The advantages expected to result from the work.

Govt. of 1877

REVENUE.

THE BOARD OF REVENUE.

Dated February, 1877.

Recd.

Recd.

FEBRUARY.

Nos. 70-71.

Land Improvement Act of 1871.—Commencing to the Board of Revenue for remarks letter from the Government of India forwarding draft of a revised and simplified set of rules for giving effect to the provisions of the—

(10).—The manner and extent to which the proposed work will affect (favourably or injuriously) adjoining or other lands.

(11).—The amount and number of the instalments by which the advance is to be repaid, principal and interest, and the dates on which these instalments are to be paid.

4. When the application is for an advance not exceeding Rs. 1,000, the officer to whom it is presented shall ascertain so far as may be possible from the oral statements of the applicant, or otherwise, the particulars numbered (5) to (11) above; these particulars shall be recorded on, or on a paper to be attached to, the application, and shall be signed by the officer, read over to the applicant, and acknowledged by him to be correct.

5. If the application be for a sum exceeding Rs. 1,000, and it be found to have omitted any of the particulars required by rule 3, the officer receiving it may either return it for correction, or at his discretion proceed as required by rule 4 in the case of applications for sums not exceeding Rs. 1,000.

6. The statements under head (8) of the heads mentioned in rule 3, whether contained in the application or recorded under Rule 5, shall at once be tested, as far as may be possible, by reference to such records bearing upon them as may be accessible to the officer to whom the application is made.

7. If the officer receiving the application be not authorized by the local Government under section 3 of the Land Improvement Act to exercise the powers of a Collector under the Act, he shall forward the application to the Collector of the district, who shall either dispose of it himself, or refer it to an authorized officer for disposal.

8. If the Collector or other such authorized officer as aforesaid (hereinafter called "the Collector") considers that there is *prima facie* reason to believe that the application should be granted, he shall cause it to be entered in the register of applications, and shall order a local enquiry to be made. If he is of opinion that the application should not be granted, he shall reject it.

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cation, or by rule 4 to be recorded by the officer receiving the application.

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11. On the completion of the enquiry, the officer by whom it was made shall forward to the Collector the whole of the papers connected therewith, together with his own opinion and recommendation. If the Collector, on receipt of the papers, thinks further enquiry necessary, he may either make such enquiry himself or remand the case to the official who made the first enquiry, or transfer it to any other official authorized to conduct such enquiries for the purpose of a further investigation being made.

12. If on a review of the local enquiry the Collector is satisfied that the advance may be properly made, or that a less sum than that asked for may properly be granted, he shall record a decision to that effect. On recording such decision, the Collector may, if the amount of the advance to be made does not exceed Rs. 1,000, at once grant a certificate for the advance under section 14 of the Act.

13. If the amount of the advance exceeds Rs. 1,000, the Collector shall report his decision to the Commissioner. If the advance does not exceed Rs. 2,500, it may be sanctioned by the Commissioner. If it exceeds that amount, it shall be reported to the Board of Revenue, who may grant it if it does not exceed Rs. 5,000. Advances of sums above Rs. 5,000 require the sanction of the Local Government, and of sums above Rs. 10,000 that of the Government of India. The Collector, Commissioner, Board of Revenue, or Local Government may, on perusal of the records of the local enquiry, if they think that the advance should not be granted, refuse to grant it, or may order

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18. The certificate shall be retained in the office of the Collector; one copy shall be given to the applicant, and when advances are made payable at any tahsil or other subordinate district treasury, a copy

of such certificate shall be sent to such treasury.

19. Except with the special sanction of the Local Government, no advance of any sum not exceeding Rs. 500 shall be made, unless it be repayable with interest within seven years from the date on which the advance is made; and no advance exceeding Rs. 500 shall be made without such sanction unless it be repayable within 12 years from such date. If in any case the proposed period of repayment exceeds 20 years from such date, the sanction of the Government of India to the proposed advance must be obtained.

20. The interest charged on advances shall for the present be $6\frac{1}{2}$ per cent. per annum.

21. The Local Government may, subject to the provisions of rule 20, make rules for the repayment of advances with interest, and for regulating the instalments by which advances may be repaid, and the place and time of repayment. Any person wishing to repay the advance received by him, or instalments of it, at an earlier date than that fixed in the certificate, may do so with the permission of the Collector.

22. All payments shall be made at the office of the Tahsildar in whose tahsil the land to be improved is situated. The Tahsildar shall keep a register of advances and repayments in such form as the Local Government may from time to time prescribe for that purpose.

23. Instalments may be suspended by order of the Commissioner for any reason that would justify suspension of the revenue demand. The Commissioner shall report the suspension to the Board of Revenue, who may pass such orders in the case as shall seem proper.

24. No project shall be divided. After an advance has been sanctioned, and the whole or part thereof expended, a second advance shall not be made without the sanction of the local Government.

25. No advance shall be made unless the value of the security offered exceeds by at least one-fourth the amount of the advance.

26. Subject to the orders of the Local Government, the Collector shall make provision for the proper inspection of works in course of construction for which advances have been made, and for ascertaining and securing that such advances are duly applied to the purpose for which they were made.

27. The works and any accounts kept of the disbursements upon them shall be

at all times open to the inspection of the Collector or other person authorized by him in that behalf.

28. In the case of advances exceeding Rs. 5,000, accounts shall be kept by the recipient of the advance in any form that the Collector may, with the sanction of superior authority, prescribe.

29. If at any time the Collector is satisfied that any person who has received an advance has failed to perform any of the conditions under which it was made, he may, after recording in writing the grounds for the decision he has arrived at, and subject to the control of the superior revenue authorities, proceed to recover from such person, or from any security of such person, under the provisions of the Act, any sums which remain due, together with any interest payable thereon.

30. All works for which advances are made in a lump sum shall be inspected and reported on as soon as possible after the date on which their completion was directed in the certificate. All works for which advances are made by instalments shall be inspected and reported on before each instalment subsequent to the first is paid.

31. No advances shall be given—

(1).—To any land-owner who is in arrears for land revenue, or for any advance under the Act.

(2).—To any tenant who is in arrears for rent, or for any advance under the Act.

1877.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE,
AGRICULTURE, AND COMMERCE.

TAKAVI.

Rev. 9/13/77

Rules made by with the pre-
vious sanction of the Governor General
in Council under the Land Improvement
Act 1871, Section 18.

FROM

No. 1/2

G. H. M. BATTEN, Esq.,
Offg. Secretary to the Government of India,

To

The Secretary to the
Government of Madras.

Dept. of Revenue,
Agriculture, & Commerce.
TAKAVI.

Dated Calcutta, the 19th January 1877.

SIR,

REFERRING to previous correspondence on the subject, I am directed to forward for the consideration of His Grace the Governor in Council the accompanying draft of a revised and simplified set of rules for giving effect to the provisions of the Land Improvement Act of 1871, which it is proposed to substitute for the rules at present in force.

2. I am to request that, in the event of the revised rules meeting with the approval of His Grace the Governor in Council a copy, with such modifications noted therein as may be considered necessary in order to meet local requirements, may be submitted for the formal sanction of His Excellency the Governor General in Council in accordance with section 18 of the Act.

I have the honour to be,

SIR,

Your most obedient Servant,

G. H. M. Batten

Offg. Secretary to the Government of India.

No 915
Rasman 1877. Dep't

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE,
AGRICULTURE, AND COMMERCE.

TAKAVI.

Care

To

No. $\frac{1}{2}$

Dated Calcutta, the 19th January 1877.

SUBJECT.

FORWARDS draft of a revised and simplified set
of rules for giving effect to the provisions of the
Land Improvement Act of 1871.

Government Central Press, No. 666 E., A. & C.—17-177.—26.

Communicated to the

Board of Revenue for their remarks.

MB 3/2

2 February 1877

14 L. W. of Revenue Dept. 21-2-77.