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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. 1732, Revenue. Press.
B.P. No. Mis.

Dated 26-10-1878 197 .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

1732/1

REVENUE DEPARTMENT.

26th October 1878, No. 1,732.

Read the following paper :—

No. 289. From A. O. HUME, Esq., C.B., Secretary to the Government of India, Department of Revenue, Agriculture and Commerce, (Takavi,) to the Secretary to the Government of Madras, dated Simla, 4th October 1878, No. 35.

I AM directed to acknowledge the receipt of your letter No. 487, dated the 26th March last, and enclosures, on the subject of the revised rules which it is proposed to issue for giving effect to the Land Improvement Act of 1871 in the Madras Presidency.

2. In reply, I am to say that, on a re-examination of the rules, some difficulty has been experienced in respect to the persons to whom the Government of Madras propose to delegate the powers of receiving and dealing with applications for advances under the Act. If it were intended to grant such powers to Divisional Officers and Tahsildars only, the difficulty might easily be overcome; but it appears possible that the delegation of the powers in question to others besides the officers named is contemplated, and it would therefore be necessary in order to render the rules complete, to refer to those delegations. As this would necessitate the remodelling of the rules to an extent which does not appear desirable, and would besides cause further delay in their issue, the Government of India are of opinion that all mention of such delegations should be omitted from the rules.

3. A few minor alterations have also been made in the rules, the chief of which is the omission in the last line but one of Rule 13 of the words "of the district" after "Collector." This appears to be necessary, as the Act contemplates that the certificate shall be granted by the officer who is acting as "Collector" in respect of the application.

4. With regard to the explanation of the proposed change in Rule 19 of the period within which repayments of advances are to be made, I am to say that it was intended in the Resolution of the Financial Department, dated the 28th July 1877, No. 2,206, to lay down the general principle that no loans are ordinarily to be made for a longer period than ten years without the previous sanction of the Government of India; but in the case of advances under the Land Improvement Act, the Governor-General in Council leaves it to the discretion of His Grace the Governor in Council to allow loans to be made up to a limit of twenty years.

5. A copy of the rules containing the modifications and alterations indicated above is forwarded herewith, and I am to request that, should His Grace the Governor in Council see no objection to them, the rules as now modified and altered may be published in the *Fort St. George Gazette* as being issued with the sanction of the Governor-General in Council.

ENCLOSURE No. 1.

Rules issued by the Governor of Madras in Council with the sanction of the Governor-General in Council under the Land Improvement Act, 1871—Section 18.

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 in which the land to be improved is situated, or to such other officer as may be empowered under Act XXI of 1876, Section 5, to receive them.

3. The personal attendance of the applicant is not necessary; but he may be required at any time to appear in person or by duly authorized agent at his option, and in case of default the application may be rejected. Every application shall be signed by the applicant, and shall be attested by the headman or Curnam, or by any two respectable inhabitants of the village in which the applicant resides, or in which the land to be improved is situated.

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 of the district may, with the sanction of superior authority, prescribe.

29. If at any time the Collector of the district 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 landowner 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. 290. ORDER THEREON, 26th October 1878, No. 1,732.

Land Revenue, No. 10.

COMMUNICATED to the Board of Revenue with reference to their Proceedings, dated 24th January 1878, No. 217.

2. The rules will be published in the *Fort St. George Gazette* together with the subsidiary rules framed under Rule 9, and already approved by G.O., 3rd November 1877, No. 3,194, subject to the alterations noted below.

3. Under Section 5, Act XXI of 1876, His Grace the Governor in Council authorizes Collectors of districts to delegate to their Divisional Officers and Tahsildars all or any of the powers vested in them by Act XXVI of 1871.

4. He further resolves to fix the minimum amount for which applications may be entertained at Rs. 50 for the present, and the following are the limits within which officers of the several grades who may be duly authorized under Section 5, Act XXI of 1876, shall be competent to grant advances:—

	Rs.
Tahsildars	250
Divisional Officers	500
Collectors	1,000

Rule I of the subsidiary instructions approved in G.O., 3rd November 1877, No. 3,194, will be cancelled.

5. With reference to Rule 2, Collectors should bear in mind that applications under the Act should be on stamped paper of the value prescribed by law (8 As. under Clause 2, Article I, Schedule II, Act VII of 1870).

6. His Grace in Council directs that the fees leviable under Rule 16 shall be collected by Court Fees Stamps.

7. The following clause will be entered as Rule 7 in the "Subsidiary Instructions," the former Rules 2, 3, 4, 5, 6 and 7 being numbered 1, 2, 3, 4, 5 and 6 with reference to conclusion of paragraph 4 *supra*:—

"7. When the officer dealing with the case under Rule 13 is not the Collector of the district the record shall be forwarded through the latter to the Board of Revenue with his opinion."

(True Extract.)

(Signed) L. A. CAMPBELL,
Under Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

Subsidiary instructions to regulate procedure in the grant of advances under the Land Improvement Act.

1. THE register in which applications are entered under Rule 8 shall show the particulars specified in Clause 4 of the Rules framed under the Land Improvement Act together with the decision eventually arrived at, and the number of the certificate issued if the advance be sanctioned.

2. When the amount of the proposed advance exceeds Rs. 500, the local inquiry required by the Rules shall be conducted by an officer of not lower grade than Tahsildar or Deputy Tahsildar; when it falls short of that amount, a Revenue Inspector or officer of similar grade may be employed. The officer charged with making the local inquiry shall, at least one week prior to the date on which he proposes to hold the same, post up in some conspicuous place in the village in which the land to be benefited by the proposed work is situated, and at the Taluk Cutcherry, a notice setting forth briefly the nature of the advance applied for and the date on which he proposes to hold an inquiry on the spot as to the correctness of the facts alleged in the application. The person charged with posting such notice shall return a duplicate copy thereof to the officer who issued it, after obtaining the signature of the village officer in token of due publicity having been given. No fee shall be charged for service.

3. On the day fixed by the notice, or on that to which the inquiry may have been postponed by subsequent notice, the officer charged with the duty shall proceed to the village and after assembling the parties concerned, the local officials and some of the respectable agriculturists of the place, he shall proceed to examine the site of the proposed work for the purpose of satisfying himself that the improvement is not likely, so far as can be ascertained, to injure any public or private interests; he shall test the accuracy of each of the statements set forth in the application, and shall ascertain and record everything that may be necessary to enable the officer who is to dispose of the application to arrive at a correct decision. He will especially take note of all objections made to the proposed work and of all evidence bearing on such objections. On the conclusion of the inquiry he should transmit the papers with his opinion and recommendation to the officer by whom the inquiry was ordered. In the event of a witness whose evidence is material refusing or neglecting to attend, a summons may be issued at the cost of the applicant; if the officer conducting the inquiry be not competent to issue summons under Act III of 1869, application should be made to an officer empowered to summon witnesses.

4. Attention should be particularly directed to ascertaining the "*bonâ fides*" and solvency of the applicant and the sufficiency of the security offered; careful inquiry must be made regarding the rights of the parties in the land to be improved and the land offered as collateral security to ensure that the person offering his land as security is the real owner and that the land is free from encumbrances. 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, and moreover the advance can be recovered *out of the land to be improved* as if it were an arrear of land revenue due on account of such land; but in the case of land offered as collateral security, there is not the same safeguard, and care must be taken to ascertain that the surety is not only the register holder but the real owner; that if he have a divided interest in it the property is not charged by him beyond the extent of his own individual interest therein except with the *written* consent of the joint owners, and lastly, that there is no prior mortgage or other lien on the property offered as security.

5. When the proposed advance exceeds Rs. 5,000, the Collector of the district shall obtain from the District Engineer an opinion as to the feasibility, probable cost and merits generally, from a professional point of view, of the proposed work; in any other case it shall be competent to the officer dealing with the application to call for a professional opinion through the proper channel should necessity appear.

6. All certificates shall be kept in bound volumes; they shall bear a serial number, a separate series being maintained by each officer authorized to grant advances, and shall be in the form appended to these rules. Prior to the issue of the certificate a deposit sufficient to cover the stamp and registration fees payable in respect thereof shall be required.

7. When the officer dealing with the case under Rule 13 is not the Collector of the district, the record should be forwarded through the latter to the Board of Revenue with his opinion.

8. Advances shall be repaid in such instalments as may be approved by the authority competent to grant the advance, subject to the restrictions imposed by the Resolution of the Government of India in the Financial Department, No. 2,206, dated 28th July 1877.

9. A register of advances and repayments in the subjoined form shall be maintained at every Treasury. When repayments at any other Treasury than that of the taluk in which the land to be improved is situated are allowed, the Treasury Officer receiving payment shall give intimation thereof to the Tahsildar of such taluk in view to such payment being noted in his register:—

Serial Number of Certificate.	Name and Residence of Certificate-holder	Amount of Advance granted.	Number of Instalments in which the Loan is repayable and Dates on which they fall due.	Repayments.				Remarks.
				Date.	On account of principal.	On account of interest.	Total.	

10. The account to be kept by recipients of advances exceeding Rs. 5,000 as required by Rule 28 shall be in the subjoined form:—

Name of the Work.	Advance received.		Expenditure incurred.			
	Date.	Amount.	Date.	Description of Work.	Rate.	Amount.

11. It shall be the duty of officers issuing certificates to arrange for the inspection of every work in progress by a competent and trustworthy subordinate. If a work is one requiring professional skill the inspection should be made by an

officer of the Public Works Department. Under Rule 30 all works for which advances are made in a lump sum must be inspected and reported upon as soon as possible after the date on which their completion was directed in the certificate, and all works for which advances are made by instalments before each instalment subsequent to the first is paid. Whether this will ensure sufficient inspection must depend on the terms of the certificate; in many cases a single inspection of the work on completion would suffice; to ensure that due diligence is being used in applying the money to the purpose for which it was granted, an inspection should be made six months after date of payment and thenceforward at least once a year. A report of the result of such inspection should be submitted to the Collector of the district annually by every subordinate empowered to issue certificates.

12. The decision of every officer authorized to grant advances below the grade of a Collector of a district under Clause 29 of the Rules framed under the Land Improvement Act shall be subject to confirmation by the latter, and the decision of the Collector of the district shall in like manner be subject to confirmation by the Board of Revenue, a report of the circumstances and copy of the decision being furnished in each case.

13. A supply of forms of application providing for the exhibition of the necessary particulars shall be printed in the Vernacular and distributed to all Tahsildars who will assist applicants in filling them up and explain the provisions of the rules which should be published from time to time in the District Gazette.

(Signed) L. A. CAMPBELL,
Under-Secretary to Government.

CERTIFICATE NUMBER ON THE REGISTER OF CERTIFICATES GRANTED UNDER THE LAND IMPROVEMENT ACT, 1871, MAINTAINED IN THE OFFICE OF

WHEREAS in the Taluk, District, has under the provisions of the Land Improvement Act applied for an advance of Rupees* 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 has agreed to mortgage to Government the land particularized in the third schedule hereunder written, I hereby authorize payment to the said of Rupees 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 from the date of payment of the advance.

That the amount advanced shall be repaid in instalments of Rupees 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 six months after the loan is completely taken up.

That the land for the improvement of which the advance is made and which is unencumbered 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 which is unencumbered 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 Act XXI of 1876.

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 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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* The amount of the advance should be entered in figures as well as words.

First Schedule.

District.	Taluk.	Village.	Number of Field.	Description.	Extent.	Assessment.	Boundaries.
1	2	3	4	5	6	7	8

Second and Third Schedules in the same form as the first.

NOTE.—If House property is hypothecated the 4th to 7th columns may be omitted.

Signature and Designation of Officer issuing Certificate.

I HEREBY acknowledge that I understand and agree to all the terms specified in the foregoing Certificate.

A. B.
C. D. } Witnesses.

Signature of Applicant.

E. F.
G. H. } Witnesses.

Signature of Surety or Landlord as the case may be.

1732/5

26 October 1878 No 172

12/1

No. 35.

FROM

A. O. HUME, ESQUIRE, C.B.,

Secretary to the Government of India,
Department of Revenue,
Agriculture and Commerce,

To

The Secretary to the Government of
Madras.—

Simla, dated 4th October 1878.

Sir,

I am directed to acknowledge the receipt of your letter № 487, dated the 26th March last, and enclosures, on the subject of the revised Rules which it is proposed to issue for giving effect to the Land Improvement Act of 1871 in the Madras Presidency.

2. In reply I am to say that, on a re-examination of the Rules, some difficulty has been experienced in respect to the persons to whom the Government of Madras propose to delegate the power of

of receiving and dealing with applic-
-cations for advances under the Act.
If it were intended to grant such
powers to divisional officers and Tah-
sildars only, the difficulty might
easily be overcome; but it appears
possible that the delegation of the
powers in question to others besides
the officers named is contemplated,
and it would therefore be necessary
in order to render the Rules com=
plete, to refer to those delegations.
To this would necessitate the re=
modelling of the Rules to an extent
which does not appear desirable, and
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their issue, the Government of India
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such delegations should be omitted
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3.- A few minor alterations have

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last line but one of Rule 13 of the w=
words "of the district" after "Collector"
This appears to be necessary, as the
Act contemplates that the certificate
shall be granted by the officer who
is acting as "Collector" in respect of
the application.-

4. With regard to the explanation
of the proposed change in Rule 19 of
the period within which repayments
of advances are to be made, I am
to say that it was intended in the
Resolution of the Financial Depar
=ment dated the 28th July 1877, No. 220
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-out the previous sanction of the
Governme

Government of India, but in the case of advances under the Land Improvement Act, the Governor General in Council leaves it to the discretion of His Grace the Governor in Council to allow loans to be made up to a limit of 20 years.

5 A copy of the Rules containing the modifications and alterations indicated above is forwarded herewith, and I am to request that, should His Grace the Governor in Council see no objection to them, the Rules as now modified and altered may be published in the "Fort St. George Gazette" as being issued with the sanction of the Governor General in Council.-

I have the honour to be,
Sir
Your most obedient servant,

[illegible]
Secretary to the Govt of India.

G. O 31 Aug 77 N° 258-59 Judl
26 March 78. 329-332

1732/8

Revenue 1878 Despatch

No 4501.

From

The Govt. of India,
P.D.C.

Dated 4th October 1878
Rec'd 12th

No 35.

Encl.

S.O. No 1732 - 26 October 1878

Forwarding, with certain observations and modifications, copy of the Rules of the Land Improvement Act of 1871, for publication in the Fort St George Gazette.

Rev. Dept.

Memo:

Letter from the Govt. of India
dated 4th October 1878 No. 35.

1. With this letter, the Govt. of India forward, with certain observations and modifications, the Rules under the Land Improvement Act of 1871 for publication in the Fort St George Gazette.

2. The rules as proposed by this Govt. are contained in G.Os. 3rd November 1877 and 26th March 1878 Nos 3194 and 486 respectively. The modifications now made in them by the Govt of India are noted below.

3. In the first clause of Rule 2. Clauses I & II this rule, retain the words "applications for advances under

C 25-10-78.
A 25-10-78.

No 289

With an order

under the Act shall be made in writing" and substitute the following for the rest including 2. II.

"They shall be presented to the Collector of the District in which the land to be improved is situated, or to such other officer as may be empowered under Act 21 of 1876 Section 6 to receive them."

The reasons for these alterations are given in paragraph 2 of the Govt. of India letter now received.

4. With reference to this altered rule, it will be desirable to specify in the G.O. now to be issued.

(1) The delegation of powers under Section 5 Act XXI of 1876 to Divisional Officers and Talukdars of receiving and dealing with

Note:- Please see para 3 of covering draft G.O. that can be authorised to delegate of his powers under Section [illegible] Act XXVI of 1871 as to "Collectors generally throughout the Province". It is proposed it to be Collectors to delegate all of his powers.

with applications for advances. And with reference to para 1 G.O. 26th March 1878 No 486.

(2) Reference to the Stamp Law to the effect that "the applications shall be on stamped paper of the value prescribed by law for such advances under Schedule II clause 2 Article 1. Act VIII of 1879)" and that fees payable under Rule 16 shall be collected by Court fee Stamps.

Rule 1. Rule 1 of the "Subsidiary Instructions" approved in G.O. 3rd November 1877 No 3494, commencing with the first point will now be omitted.

Rule 7. 5. After the words "Collector under the Act" insert "in respect of such advance," and for "rule 3" read "rule 4."

Rule 13. 6. Omit the words "and the officer dealing with the case be not the Collector of the District," and for "the Collector of the District who shall

transmit

transmit the papers with his opinion," and insert after the words "shall be forwarded" the following clause – "direct or through such channel as the local Govt: may prescribe." Omit also "of the district after "the Collector."

The words "and the officer dealing with the case be not the Collector of the district" were originally inserted at the instance of the Govt of India, lest the present omission of them seems to have been deliberately decided upon – vide paragraph 3 of their present letter (4th October 1878 No 35).

With reference to the alteration in this rule, some addition to the following effect seems

× Vide paragraph 4 of their letter recorded in G.O 26th March 1875 No 486.

× "Direct or through such Channel as the Local Govt may prescribe."

necessary in the Subsidiary rules. The following may be entered as rule 7, the existing Rules 2, 3, 4, 5, 6 & 7 being entered as 1, 2, 3, 4, 5 & 6.

"When the officer dealing with the case under rule 13 is not the Collector of the district, the record shall be forwarded through the latter with his opinion."

Rule 18. 7. Insert after "the Collector" the words "of the district."

Rule 19. 8. For "within two" read "within twenty."

In regard to this alteration, please see paragraph 4 of the Govt of India letter which says "the Governor General in Council leaves it to the discretion of his Grace the Governor in Council

Council to allow loans
to be made up to a
limit of 20 years," but
the following clause in
the rule which is contra-
dictory to the above is
left unaltered.

"If in any case the
proposed period of repay-
ment exceeds 10 years from
each date, the sanction
of the Government of India
to the proposed advance
must be obtained."

The word 'ten' in this clause is evidently a mis-take for twenty & should be altered to ten in republishing

9. Insert after "the Collector" the words "of the district"

10. For the words "fall short of or exceeds", read does

On this point, please see the Govt of India's original rule in G.O. 3rd July 1877 No 498 and para 6. G.O. 26th March 1878 No 486.

Rule 22.

Rule 24.

"does not or does exceed"

Rule 26. 11. Insert after "the Collector" the words "of the district"

Rule 27. — do do do

Rule 28 do do do

Rule 29 do do do.

12. A draft G.O. on the subject is enclosed for approval.

Memo

On Rules under the
Land Improvement
Act of 1871

4501

GO 26 October 75
No 1732

C 25 W-75
R 28-10-75

Revenue Dept

No 1732

Proceedings of the Madras Government
Under date the 26th October 1875

Read the following letter
from the Secretary to the Govt of
India, Dept of Revenue Agricul-
ture and Commerce (Statis-
tics) to the Secretary to the Govt of
Madras, dated 4th October 1875
No 35.

Communicated to the
Board of Revenue with reference
to their Proceedings dated 24th
January 1878 No 217.

2. The rules will be pub-
lished in the Fort Saint George
Gazette together with the Sub-
sidiary rules framed under
Rule 9, and already approved
by G.O 3rd November 1877 No 3194,
subject

MR
2676

subject to the alterations noted below.

3. Under Section 5 Act XXI of 1876 His Grace the Governor in Council authorises Collectors of Districts to delegate to their Divisional Officers and Sahsildars all or any of the powers vested in them by Act XXVI of 1871.

4. He further resolves to fix the minimum amount for which applications may be entertained at Rs 50 for the present, and the following as the limits within which officers of the several grades who may be duly authorized under Section V Act XXI of 1876 shall be competent to grant advances.

Sahsildars

Rs
Sahsildars —— 250.
Divisional Officers — 500.
Collectors —— 1000.

1732/14

Rule 1 of the Subsidiary Instructions approved in G.O. 3rd November 1877 No. 3194 will be cancelled.

5. With reference to Rule 2, Collectors should bear in mind that applications under the Act should be on stamped paper of the value prescribed by Law, eight annas under clause 2, Article 1 Schedule II Act VIII of 1870.

6. His Grace in Council directs that the fees leviable under Rule 16 shall be collected by Court fees Stamps.

7. The following clause will be entered as Rule 7 in the "Subsidiary Instructions" the former Rules 2, 3, 4, 5, 6, 7 being renumbered 1, 2, 3, 4, 5, 6 with reference to conclusion of paragraph

1732/15

paragraph 4 supra.

"7. When the officer dealing
"with the case under Rule 13 is
"not the Collector of the District
"the record shall be forwarded
"through the latter to the
"Board of Revenue with his
"opinion."

11 Feb's Board of Revenue
Dublin

50/7

L.O.

Rules under the Land
Improvement Act 26
of 1871.

C 25-10-78
VP 26-10-78