(1) Number of pages 40

(2) Date of repair 21-7-1984

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No. / ~~B.P. No.~~	1516	Press. / Mis.
Dated	19-9-1878	~~197~~ .

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

1516
T

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

19th September 1878. No. 1,516.

Read the following paper :—

No. 201. Proceedings of the Board of Revenue, dated 19th July 1878, No. 2,008.

Read the following letter from J. A. DAVIES, Esq., Acting Head Assistant Collector, to J. B. PENNINGTON, Esq., Collector of Tinnevelly, dated Tuticorin, 25th February 1878, No. 91 :—

I HAVE the honor to submit for your orde[r] Tenkarai Tahsildar's arzi, No. 70 of 1878, in which he requests instructions as to the course he should adopt to prevent unauthorized occupations of Government Nattam lands by the ryots as well as alienations of such lands by them by sale, mortgage, &c. The question is a general and important one.

2. The best course to follow, in my opinion, is that all Village Munsifs should be instructed to report all such unauthorized occupations of Nattam land, and in such cases the lands should be put up to public auction and sold to the highest bidder, whether the trespasser or another.

3. As regards applications for the occupation of Nattam land each should be dealt with on its merits. When required for house sites there are rules already in force, but when required for stock-yards or other purposes, no rules, as far as I am aware, are yet laid down. I think that these also might, when applied for, be sold by auction.

No. 281.

SUBMITTED for the orders of the Board.

2. It appears to me that all village officials (especially the Curnam and Munsif) are bound to report unauthorized encroachments on all Poramboke land, and the alienation of such land by sale or mortgage need not be recognized in any way; but the proposal to invariably sell such lands as are not required for house sites is new and requires consideration. I am, however, inclined to agree with the Head Assistant Collector. I have long doubted the utility of the present practice of charging prohibitory assessment on Nattam land with the idea of putting a stop to its cultivation, and am even inclined to think that the more extensive cultivation of old village sites would be nothing but an unmixed sanitary advantage.

3. In their present condition the village sites are simply *foci* of disease and dirt, and the more they are crowded with houses the worse they become.

4. The simplest remedy for this state of things would seem to be to allow all vacant spaces to be cultivated freely, and so to compel people who wish to build to do so away from the pestiferous old village sites and as much as possible *on their own land*. This last condition is the first step towards real agricultural progress; for it is only when farmers reside *on their land* that all their manure can be economically applied to it. Agriculturists should not be encouraged to live in towns; and, instead of deliberately adding to the area of existing Nattams according to the present practice, it would be far better, I think, to set apart small portions of waste at a distance from existing village sites if the ryots cannot be induced to build altogether independently on their own estates.

5. To put the case briefly, I think our object should be to avoid adding to the number of houses in existing Nattams and to endeavor by all means to induce ryots to build on their own land, which is directly the opposite of the system at present in vogue. One step in this direction would be taken if all the filthy waste places in the villages were turned into wholesome gardens either by sale outright or by giving them away on durkhast.

TINNEVELLY,
15th April 1878.

(Signed) J. B. PENNINGTON,
Collector.

THE Collector of Tinnevelly submits for orders a letter from the Head Assistant Collector asking for instructions as to the course to be adopted to prevent unauthorized occupation of Nattam lands by the ryots as well as alienation by them of such lands, and suggesting that Nattam land not required for house sites should be sold by auction. As regards unauthorized occupation and improper alienations, the Board observe that it is impossible for them to occur without the wilful connivance of the village officers who should be held responsible if they do not promptly report such irregularities.

2. The proposal to sell Nattam land not required for house sites by auction has the Collector's approval on sanitary grounds, because in their present condition village sites are simply *foci* of disease and dirt; he would therefore allow all vacant spaces to be cultivated freely in order to compel people who wish to build to do so away from the pestiferous old village sites and as much as possible on their own land. The Board apprehend, however, that the result would only be an aggravation of the evil complained of; those who have no land will have to buy sites; the poor will club together to effect the purchase and build crowded settlements the condition of which will probably be even more objectionable than that of the existing villages, whilst, the land being private property, there will be no means of enforcing any sanitary regulations. At present the Revenue authorities have powers of control, though the Board fear that they are but seldom exercised, and the remedy for the state of things described is to enforce the laying out of village sites with reference to the requirements of sanitation; the sites should be parcelled out into lots with sufficient spaces for roads, &c., so as to secure the free circulation of air and prevent overcrowding. This cannot be done if the people are left free to build where and how they like, apart from the consideration that the step will entail great hardship on the poor, especially the non-agricultural classes, and be an infringement of an immemorial privilege. There is the further objection that the substitution of hamlets for villages increases the difficulties of collection and of the detection of crime; unauthorized encroachments can be prevented by the imposition of penal assessment, and if the sites are in excess of requirements, which can hardly be the case to any great extent in Tinnevelly, seeing that one of the operations in connection with the Settlement just completed was the revision of the allotments for the purpose, the excess can be given for cultivation under the rules in force, the occupation being allowed temporarily subject to restoration of the land when required for building purposes.

3. The subject being one of considerable importance, the Board resolve to send a copy of these Proceedings to all Collectors with the request that they will give their attention to the matter and endeavor to make the village officers keep their village sites in order.

(A true Copy and Extract.)

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

No. 202. * * *

No. 203. * * *

1516/2

No. 204. ORDER THEREON, 19th September 1878, No. 1,516.

Miscellaneous.

THE Board's Proceedings are approved.

2. The principle which should guide District Officers will be clearly perceived if they will bear in mind that the Nattam or Village-site is "Poramboke," that is, a reservation for a public purpose, and that its application to any other purpose is directly opposed to the intentions and that its application to any other purpose is directly opposed to the intentions of the reservation and is a violation of orders and rule.

(True Extract.)

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

To the Board of Revenue.

Exd. W. H. French.

26-1-12

1516/37

No. 2,008.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th July 1878.

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I HAVE the honor to submit for your orders Tenkarai Tahsildar's arzi, No. 70 of 1878, in which he requests instructions as to the course he should adopt to prevent unauthorized occupations of Government Nattam lands by the ryots as well as alienations of such lands by them by sale, mortgage, &c. The question is a general and important one.

2. The best course to follow, in my opinion, is that all Village Munsifs should be instructed to report all such unauthorized occupations of Nattam land, and in such cases the lands should be put up to public auction and sold to the highest bidder, whether the trespasser or another.

3. As regards applications for the occupation of Nattam land each should be dealt with on its merits. When required for a house site there are rules already in force, but when required for stock-yards or other purposes, no rules, as far as I am aware, are yet laid down. I think that these also might, when applied for, be sold by auction.

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5. To put the case briefly, I think our object should be to avoid adding to the number of houses in existing Nattams, and to endeavor by all means to induce ryots to build on their own land, which is exactly the opposite of the system at present in vogue. One step in this direction would be taken if all the filthy waste places in the villages were turned into wholesome gardens either by sale outright or by giving them away on durkhast.

(Signed) J. B. PENNINGTON,
Collector.

TINNEVELLY,
15th April 1878.

The Collector of Tinnevelly submits for orders a letter from the Head Assistant Collector asking for instructions as to the course to be adopted to prevent unauthorized occupation of Nattam lands by the ryots as well as alienation by them of such lands, and suggesting that Nattam land not required for house sites should be sold by auction. As regards unauthorized occupation and improper alienations, the Board observe that it is impossible for them to occur without the wilful connivance of the village officers who should be held responsible if they do not promptly report such irregularities.

2. The proposal to sell Nattam land not required for house sites by auction has the Collector's approval on sanitary grounds, because in their present condition village sites are simply *foci* of disease and dirt; he would therefore allow all vacant spaces to be cultivated freely in order to compel people who wish to build to do so away from the pestiferous old village sites and as much as possible on their own land. The Board apprehend, however, that the result would only be an aggravation of the evil complained of; those who have no land will have to buy sites; the poor will club together to effect the purchase and build crowded settlements the condition of which will probably be even more objectionable than that of the existing villages, whilst, the land being private property, there will be no means of enforcing any sanitary regulations. At present the Revenue authorities have powers of control, though the Board fear that they are but seldom exercised, and the remedy for the state of things described is to enforce the laying out of village sites with reference to the requirements of sanitation; the sites should be parcelled out into lots with sufficient spaces for roads, &c., so as to secure the free circulation of air and prevent overcrowding. This cannot be done if the people are left free to build where and how they like, apart from the consideration that the step will entail great hardship on the poor, especially the non-agricultural classes, and be an infringement of an immemorial privilege. There is the further objection that the substitution of hamlets for villages increases the difficulties of collection and of the detection of crime; unauthorized encroachments can be prevented by the imposition of penal assessment, and if the sites are in excess of requirements, which can hardly be the case to any great extent in Tinnevelly, seeing that one of the operations in connection with the Settlement just completed was the revision of the allotments for the purpose, the excess can be given for cultivation under the rules in force, the occupation being allowed temporarily subject to restoration of the land when required for building purposes.

3. The subject being one of considerable importance, the Board resolve to send a copy of these Proceedings to all Collectors with the request that they will give their attention to the matter and endeavor to make the village officers keep their village sites in order.

(A true Copy and Extract.)

Acting Secretary.

To the Collector of Tinnevelly.
Copy to all other Collectors.
" to the Secretary to Government, Revenue Department.

Ed. G. Freeman.

Revenue 19th Sept. 1878
No. 3430

1878.

Board of Revenue,

MADRAS.

PROCEEDINGS, 19TH JULY 1878, No. 2,008.

Read

Encl.

Dodo 15th September 1878
Received 17th Sept 78

JULY.

No. 2,008.

Nattam Lands.—Passing orders on letter from Head Assistant Collector of Tinnevelly asking for instructions as to the course to be adopted to prevent unauthorized occupations of — by the ryots as well as alienations by them of such lands, and suggesting that Nattam land not required for house sites should be sold by auction.

For orders

15/9/78

C-10-8-1878 Rec'd 22-8-1878
Rec'd 11-9-1878
Rec'd 12-9-1878
Rec'd 17-9-1878

15/9/78

REVENUE DEPARTMENT.

MINUTE BY THE HON. SIR W. ROBINSON, K.C.S.I.

I AM unable to accept the draft Government Order as it loses sight of the principle which underlies the question of Communal Grama Nattam property and its assignment to individuals.

2. Grama Nattam is no State reservation: it is the Communal reservation for the convenience of the inhabitants of the village, made by them no doubt for their own purposes long before there was any State in existence such as that suggested in the draft. It naturally remained unassessed so far as unappropriated in ancient times, because there was no crop to divide; we found the Grama Nattam property of the village in this condition and it remained unassessed like any other uncultivated and unappropriated portion of the village communal property.

3. When appropriated to building, &c., purposes of the villages, Grama Nattam simply follows the equities of any appropriated land—*ex. gra.*, from the hitherto-uncultivated mark of the village—and becomes the appropriated and individual property of the assignee and occupant, just as a piece of new cultivation of the ordinary waste does; and it devolves, is sold, &c., &c., in precisely the same manner. When unclaimed, it becomes an escheat to the village, and is again appropriated by others just as relinquished or otherwise claimless land.

4. The curious devices which come before us on this matter from time to time arise from losing sight of the ordinary oriental principle of village property; and the draft Government Order would only aggravate the error and traverse existing legal conditions.

26th August 1878.

(Signed) W. ROBINSON.

Proof

1776/6

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(Signed) W. ROBINSON.

26th August 1878.

Proof

1516/1

REVENUE DEPARTMENT.

MINUTE BY THE HON. W. HUDLESTON.

I HAVE slightly modified the draft in view to meeting Sir W. Robinson's objections in his minute, but I conceive that they are based on a misconception of the meaning of my note. The word "State" does not exclude the idea that the reservation may have been originally established in very early times when communities managed their affairs by mutual agreement without the recognition of a sovereign head. Neither in more modern times does it exclude the idea of the Commons forming an element in the system of administration.

2. As to the nature of the property acquired by sharers in the Nattam, I request a reference to pages 185—207—374, &c., of the "Mirasi papers" collected by Mr. Bayley and published by Government.

3. I think there is no room for doubt that Nattam land cannot be converted to other purpose than that of house-site for the land-owners of the village without breach of the common law of the country.

4. Ellis says "they cannot cultivate or appropriate it to any other purpose." "Lands entered in the Tarapadi under the head of Nattam and Poramboke are in no case transferable by direct sale," adding "they may however be transferred indirectly by exchange," and explains that the right to a site in the Nattam can be transferred with the share in the varapet or assessed cultivable area to which it is attached.

5. The due maintenance of the easement is of great importance to the people and will certainly meet with their unqualified support, although individuals may seek for private advantage to set it aside.

26th August 1878. (Signed) W. HUDLESTON.

G. O. No. 1516 of 19th Sept. 1878

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26th August 1873. (Signed) W. HUDLESTON.

Revenue Despatches

1576/9

Proceedings of the Madras Government under
date the

Read the following Proceedings of
the Board of Revenue dated the
19th July 1878 No. 2008.

Sent round out order
[illegible] the question raised
by the Seer must be come up.

[illegible] 5/11/14/9/8

Seer
1879.

I have slightly modified the
draft in view to brevity
but the objections in his
minute. The Secretary
to Govt can [illegible]

The Board's Proceedings are
approved.

2. The principle which should
guide District Officers will be
clearly perceived if they will bear
in mind that the Nattam or
village site is "Poramboke" that
is a ~~state~~ reservation for a
public purpose, and that its

application to any other purpose is directly opposed to the intentions of Government and is a violation of orders and rule.

Note. This draft has been prepared with reference to Honble Members' notes. But there is one point on which it is submitted that further consideration may be necessary. Both the Head of this Branch & the Collector speak disapprovingly of the alienation of Granmattrum land by sale, mortgage &c Davies wd in such cases sell the land by public auction. Mr Pennington thinks such alienations "need not be recognized in any way". The Bd finally speak of such alienations as "improper" and that the land cannot be considered for this purpose thus taking away from the Village Community the land which from time immemorial has been the property of the Community

Ellis says "they cannot cultivate or appropriate it to any other purpose". "Land enclosed in the Zamindary under the head of Cultivation" & trees thereon are in no case transferable by direct sale "although they may however be transferred indirectly by a change". Explains that the right to a tree in the hedge cannot be transferred like the trees in the Forest. or allowed cultivable area Rights attached

The determination of the Government is of great

Board's no d/15 Aug 1871 no 3448 in Gen. 16 Dec 1892 no 1684

importance to the people which certainly must not be set aside by individuals having such for private advantage

Village officers should be held responsible. i.e. should be fined or otherwise punished.

It is believed that the practice of purchasing house sites in Granmattrum lands by public and private sales, and by mortgage is universal. There may be houses on them or not. Probably the bulk of house property in villages has been the subject of similar transfer. When the Granmattrum question was discussed in 1870 the point was reserved. The Collectors of Trichinopoly & Madura then passed authoritative ruling which may be passed to the effect that land is not subject to sale, mortgage, or transfer. The Collector of Tanjore wished that even decayed house-sites could not be touched

for fear of litigation.
The Board also then considered Granamattam Land & the communal property of the villagers thereto that any alteration in the way of interference could only be effected by special enactment.

The Standing Order No IV of 1873 which was then issued is the only one outstanding subject of Village sites. It decided that no portion of the Granamattam was to be occupied without permission, and that after permission such if no building was erected within a fixed period, or if, after erection, it was let go to ruin the grant was to be cancelled. No mention was made of sales, mortgages &c. But is it possible

to prevent such transactions, it being [illegible] attempted to [illegible] and is it practicable & wise for us to [illegible]

Rev. Dept.
1576
11

Minute by the Honorable W. Hudleston dated 25th August 1878 on C. No 3430 of 1878.

I have slightly modified the draft in view to meeting Sir W. Robinson's objections in his minute - but I conceive that they are based on a misconception of the meaning of my note. The word "State" does not exclude the idea that the persons who may have been originally established in very early times when communities managed their affairs by tribunal agreement without the recognition of a sovereign head. Neither in more modern times does it exclude the idea of the Commune forming an element in the system of administration.

As to the nature of the property acquired by shares

in

in the Nattam I request a reference to pages 186-207-374 & 2nd of the "Kerala papers" collected by Wm Bayley and published by Govt.

I think there is no room for doubt that Nattam land cannot be converted to other purpose than that of house site for the land owners of the village without breach of the common law of the country.

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1516
12

The due maintenance of the easement is of great importance to the people and will certainly meet with their unqualified support although individuals may seek for private advantage to set it aside.

Kattam Sandy

R GO 19th September 78
No 1576

Duplicate

Draft and letter to be sent to Surveyor after Despatch

REVENUE DEPARTMENT

No. 3438

1576/13

From Board of Revenue

Dated 19th July 1878.

FOR ORDERS.

Circle

Survey of the Bn. Kn. is not a matter of skill with Cotton and Shd. separate from an entire a traverse of prescriptive boundaries as before.

Shd. direct that so far as possible Kattam land now unoccupied be

the Kattam or village [illegible]
"Poracumbokie"

Lawrence Co.

Landowners to build
Lots — Shd. allow
"Donation Lots" that
will take the taken
for building purposes
that should be ta-
ken & the Lands
for legitimate
purpose

12/6 Ptt

Ltr. Comstock
Stevens. Lutkins
Grand Island
Cols. Ct. Ind.
Explain, adding

I am disposed to
approve the action
of the Board
Ptt 12/52

Start the line with
St. Ch. Guide St 19
Bypass Lick Run
closely practicable
by the Junction
Grand Trail Lutkins
or Village Lick is
a Grand Lick that
is a State Reservation
for a public purpose
that the application
being for purpose
by Deeds specified
& Gov Patent
to violate specific
trust — HB

Nattam Sanad Dispute

No 3430

FOR ORDERS.

Copy

C 10-8-78 RC 22-8-78 RC 13-9-78
R 12-8-78 R 26-8-78 R 11-9-78
RC 12-8-78 RC 26-8-78
R 14-8-78 R 6-9-78
RC 12-9-78
R 13-9-78

Revenue Dept.

1576
15

No 167

Proceedings of the Madras Government
Under date the 19th September 1878

Read the following papers:

Proceedings of the Board of Revenue dated 19th July 1878 No 2008.

Minute by the Honorable Sir W. Robinson dated 26th August 1878.

Minute by the Honorable W. Hudleston dated 26th August 1878.

The Board's Proceedings are approved.

2. The principle which should guide District Officers will be clearly perceived if they will bear in mind that the Nattam or village site is "Poramboke"

"Poramboke" that is a reservation for a public purpose, and that its application to any other purpose is directly opposed to the intentions of the reservation and is a violation of orders cited under

14 Lord Bp. and Orders of Revenue Dec 27 Sept

Rec'd No 3430
78
1916
17

Minute

I am unable
to accept the Draft
G. O, as it loses sight
of the principle which
underlies the question
of Communal Grama
Kattam property and
its assignment to
individuals.

Grama Kattam is
no State reservation
it is the Communal
reservation for the
convenience of the
inhabitants of the
Village made by

them no doubt for their
own purposes long
before there was any
State ~~legislation~~ such
as suggested in the
Draft. It naturally
remained unassessed
so far as unappropriated
in ancient times because
there was no crop to
divide - but found
the Jama Nattam property
of the Village in this
Condition and it remains
unassessed like any
other uncultivated
unappropriated
portion of the Village

Communal property

When appropriated
to building & purposes
of the Village, Jama
nattam similarly follows
the Equities of any appro-
priated land - as it from
the hitherto - uncultivated
mark of the Village - and
becomes the appropriated
and individual property
of the assignee & occu-
-pant - just as a piece
of new - Cultivation of the
ordinary waste does -
And it devolves, is
sold &c &c in precisely
the same manner as
when reclaimed, the

Minute by the Honorable Sir W. Robinson
dated 26th August 1878 on C.No 3430 of 1878

I am unable to accept
the draft G.O. as it loses sight
of the principle which underlies
the question of Communal Grama
Nattam property and its assign-
ment to individuals.

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reservation. it is the Communal
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of the inhabitants of the village
made by them no doubt for their
own purposes long before there
was any state in existence
and as that suggested in the
draft. It naturally remained
unassessed as far as unap-
propriated in ancient times
because there was no crops to
divide. we found the Grama
Nattam property of the village
in

becomes an Escheat
to the Village & is again
appropriated by the com-
pact as relinquished
or otherwise claimless
land -

The curious devices
which comes before us
on this matter from
time to time - [illegible]
arise from losing sight
of the ordinary Oriental
principle of village property -
and the Draft G.O would
only aggravate the Error
& traverse existing legal
conditions

28/8 W Robinson

C.26 8-9-78. R 12-9-78. R 13-9-78.
R 13-9-78. R 14-9-78

P.C. 1576/19.
Letter dispatched to the
Government Agent (Mr. Ellis) Jaffna
dated 13th September 1878
The Village Communities in the
Province of Jaffna are hereby
informed that the Land known as
Grama Nattam or Pul vinayahar
Sale of Timber &c.
The Right to
Pul vinayahar
Nattam is vested in
the Inhabitants of Grama to
which it belongs
[illegible]

in this condition and it remained unassessed like any other uncultivated and unappropriated portion of the village Communial property.

When appropriated to building &c. purposes of the villager, from a Pattam society followed the equities of any appropriated land - &c. &c. from the hitherto - uncultivated mark of the village - and becomes the appropriated and individual property of the assignee and occupant - just as a piece of new-cultivation of the ordinary waste does - And it devolves, in exactly the same manner - When unclaimed, it becomes a Escheat to the village and is again appropriated by others just as relinquished or otherwise claimed land.

15/6/20

The various decrees which come before us on this matter from time to time - arise from losing sight of the ordinary oriental principal of village property - and the draft G.O. would only aggravate the error and traverse existing legal conditions.