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MADRAS RECORD OFFICE.

Government of Madras.

Revenue

DEPARTMENT.

G.O. No. 1146

Press ✓
~~Mis.~~

Dated 18 - 9 - 1888.

Not to be folded or roughly handled

18TH SEPTEMBER 1883, No. 1146, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 28th August 1883, No. 2528 :—

Read—the following G.O., dated 3rd August 1883, No. 936, Revenue :—

ABSTRACT.—Passing orders on Board's proposal in regard to the modification of the existing rule for the sale of assessed waste by public auction.

Resolution—dated 28th August 1883, No. 2528.

Communicated to all Collectors for information and guidance.

2. With reference to the concluding portion of the Government Order, the Board beg to propose that the following be substituted for paragraph 19 of Standing Order No. 32 :—

19. "When assessed waste land is darkhasted for under these rules by two or more persons, and the Tahsildar, Divisional Officer, or Collector, is unable to decide which of them has the best claim to have the land assigned to him for cultivation, the Collector of the district may order the right of occupying the land to be sold by public auction to the highest bidder. The purchaser at such auction will be liable to pay the same assessment as if the land had been assigned to him in the first instance on darkhast. Any person may bid at such auction. When land is thus sold, a provision should be inserted in the conditions of sale similar to Clause 3 of Section 36, Act II of 1864 (Madras), requiring the deposit by the purchaser, at the time of purchase, of a sum equal to 15 per cent. of the price, the deposit being declared liable to forfeiture should the remainder not be paid within 30 days from the date of sale."

(A true Copy and Extract.)

(Signed) J. A. DAVIES,
Acting Secretary.

To the Secretary to Government, Revenue
Department.
To all Collectors.

ORDER—dated 18th September 1883, No. 1146, Revenue.

Land Revenue, No. 169.

Approved.

(True Extract.)

(Signed) H. E. STOKES,
Ag. Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

35 Copies.

original

Govt. of (1883) Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 18th September 1883, No. 1146.

SEPTEMBER.

Assessed Waste.

Board's proposed amendment of paragraph 11 of Standing Order No. 32 regarding the sale of —, approved.

BOARD OF REVENUE 5TH AUGUST 1883, No. 2528.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following G.O., dated 3rd August 1883, No. 936, Revenue:—

Read—the following Proceedings of the Board of Revenue, dated 19th June 1883, No. 1776:—

Read—again the following Proceedings of the Board of Revenue, dated 6th October 1882, No. 2440:—

ABSTRACT.—Requesting the opinion of all Collectors on a proposed alteration of the rules governing the disposal of applications for assessed lands when there are two or more applicants for the same land.

Read—also the following papers:—

From the Collector of Anantapur,	dated 11th November 1882,	No. 315.
" " of " " North,	" 8th January 1883,	" 8.
" " of Arcot, North,	" 6th November 1882,	" 461.
" " of Arcot, South,	" 22nd December "	" 555.
" " of Bellary,	" 23rd "	" 4236.
" " of Canara, South,	" 10th November "	" 2496.
" " of Chingleput,	" 30th October "	" 564.
" " of Coimbatore,	" 26th "	" 228.
" " of Cuddapah,	" 24th November "	" 587.
" " of Ganjam,	" 6th "	" 3960.
" " of " "	" 20th December "	" 628.
" " of Godavari,	" 27th January 1883,	" 42.
" " of Kistna,	" 4th November 1882,	" 2837.
" " of " "	" 7th December "	" 3148.
" " of Kurnool,	" 24th October "	" 472.
" " of Madras,	" 20th "	" 402.
" " of Madura,	" 31st "	" 403.
" " of Malabar,	" 3rd November "	" 3349.
" " of Nellore,	" 31st October "	" 5823.
" " of " "	" 2nd November "	" 5913.
" " of Nilgiris,	" 19th December "	" 384.
" " of Salem,	" 23rd "	" 3073.
" " of Tanjore,	" 9th "	" 7031.
" " of Tinnevely,	" 26th October "	" 649.
" " of Trichinopoly,	" 14th December "	" 4419.
" " of Vizagapatam,	" 6th February 1883,	" 155.

Resolution—dated 19th June 1883, No. 1776.

The foregoing letters, with précis of their contents, will be submitted to Government with copy of Board's Proceedings, dated 6th October 1882, No. 2440.

2. As Collectors are far from being unanimous in advocating the change suggested, the Board will, for the present, content themselves with recommending to Government that, in the cases contemplated at paragraph 19 of Board's Standing Order, No. 32, the procedure therein laid down be so far modified as to enable Collectors and their Divisional Officers to dispose of such cases on their own responsibility without previous reference to the Board.

APPENDIX.

PRECIS.

In reply to Board's Proceedings, dated 6th October 1882, No. 2440, the several Collectors submit the following opinions:—

Anantapur—Mr. Roupell.—Agrees with the Board. The proposal would (1) give an impetus to improved cultivation as those who purchased land for a price must needs exert themselves to get the interest on outlay; (2) would bring the land into the hands of persons with means to develop its resources; (3) would prevent chicanery and save trouble and time.

North Arcot—Mr. A. J. Stuart.—Agrees with the Board. The proposal would save trouble and would concentrate cultivating power on a smaller area.

South Arcot—Mr. Cruickshank.—Would like to see the change introduced, but thinks that it would entail a vast number of sales, some 20,000 in a year, and the consequence would be a great increase of work. On the other hand, the present system has many advantages in enabling a ryot to extend cultivation, &c.

The Sub-Collector, Mr. Weld, briefly expresses his agreement with the proposal.

Deputy Collector, K. Subba Row, is of opinion that Government have no right to sell a title which belongs, not to the Government, but to the resident villagers. Practically, the poor cultivator would be unable to acquire land.

Head Assistant, Mr. Hebert, is in favor of the change in settled districts.

Bellary—Mr. Gordon.—Deprecates the proposed change, considering that, by preventing adjacent holders from occupying in anticipation of grant, it would tend to restrict cultivation, and also that it would act hardly on the poorer ryots by preventing them from acquiring land. For the present, therefore, the Collector would not alter the rules. On the other hand, where land may now be put up to auction with sanction of the Board, recommends that Divisional officer's sanction be held sufficient.

South Canara—Mr. Sturrock.—In some cases auction sale might be resorted to, but would retain the rule to govern Kumaki and Nettikatt claims.

Chingleput—Mr. Price.—Is in favor of the change, but presumes it would not be applied to the Mirassi tenures of Chingleput.

Coimbatore—Mr. Leman.—Sees no objection to the proposed change.

Cuddapah—Mr. Horsley.—Is in favor of the proposal.

Sub-Collector, Mr. J. Thompson, would introduce the change in wealthy localities.

Ganjam—Mr. Goodrich.—Agrees with the Board, but would make the purchase-money payable by easy instalments.

Principal Assistant, Mr. A. Thompson, would allow the Tahsildar to give any land to the first applicant. Considers that sale by auction would restrict occupation and Government would lose in assessment more than they would gain in purchase-money.

Godavari—Mr. Happell.—In the Godavari District contested applications are not numerous, only about 8 per cent. of the whole number. Is in favor of selling by auction in such cases.

Kistna—Mr. Horsfall.—Is in favor of the change.

Sub-Collector, Mr. Mackenzie, considers the proposal equivalent to the introduction of a premium on occupancy right—the system which has proved so pernicious in Ireland.

Kurnool—Mr. Glenn.—Agrees with the Board.

Madras—Mr. Melville.—Would adopt the proposed alteration of the rules with a certain restriction in favor of the adjacent holder.

Madura—Mr. Crole.—Fully agrees with the suggestion of the Board.

Malabar—Mr. Logan.—Has no objection to the change proposed.

Nellore—Mr. Lee-Warner.—Is opposed to the suggested change. Considers it will retard the extension of cultivation and press hardly on the poorer ryots. If Government have the right contested cases; it ought logically to be imposed in all. Quotes the ill-consequences of the "Nuzzer" or premium system in Ramnad and Venkatagiri, and concludes by saying that inasmuch as sales for arrears are frequent, there is practically no difficulty in the way of outsiders obtaining land. The proposed new rule would certainly have the immediate effect of preventing ryots from making durkhasts for fear of rivalry in auction, and thus land would remain waste which might be cultivated. Suggests, however, that instead of reference being made to the Board, the Collector should be empowered, when satisfied that there is no preferential claim among those of several applicants, to sell the land by auction on his own responsibility.

Sub-Collector, Mr. Frazer, is also opposed to the change which, he thinks, would bear hardly on ryots who without authority, but without bad intention, may from time to time extend their borders before making application to the Revenue officers. Again, the price paid for the occupancy right would be so much out of the money available for cultivating purposes.

Head Assistant, Mr. Moberly, is opposed to the change on several grounds, one being that to charge a premium is practically to raise the assessment, and another that in view of the effects of the Famine being still felt severely, this is not the time to impose fresh burdens.

Nilgiris—Mr. Atkinson.—Is in favor of the change.
Salem—Mr. Maclean.—Is not in favor of the proposals of the Board, which would do away with the poor ryot's privilege to take up land without payment, and would entail a large number of sales which it would be difficult to conduct satisfactorily.

Tanjore—Mr. H. E. Stokes.—The change could not be introduced into Tanjore owing to the prevalence of Mirassi right. On the question generally* replies that he would let the durkhast rules alone, thinking that the proposed change would deal a heavy blow to the already too much weakened village system. It is incorrect to say that competing durkhasts prove that the land has a market-value, and he does not think that the present rules prevent in the slightest degree the application of capital to agriculture. Would, however, so far modify the rules as to allow Collectors in peculiar cases to make exceptions to them.

Tinnevely—Mr. Pennington.—Would make the change as a general rule, but would leave to the District officers the power to make exceptions.

Trichinopoly—Mr. H. Sewell.—Thinks the proposed change decidedly undesirable, and that it would lead to rivalry and a kind of rack-renting. It would tend to check cultivation.

Vizagapatam—Mr. H. G. Turner.—Considers that the proposed change would provoke great discontent and dissatisfaction on the part of villagers whose admitted prescriptive rights would be infringed. Quotes papers* to show that this admission of right has been repeatedly made by the Court of Directors, Government, and the Board, and gives his opinion, that the advantages to be derived from the proposed change will be insignificant compared with the ill-feeling which will be generated; and that it will involve not unfrequently the ruin of petty cultivators.

* Maskell's Circular Orders, page 321.

Extract from Minutes of Consultation, dated 22nd April 1857, No. 372, pages 28–30 of despatch therein.
Board's Proceedings, dated 5th January 1818, paragraphs 297, 298.

(A true Extract.)

(Signed) J. A. DAVIES,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with 26 original letters.

Copy to all Collectors.

Order—dated 3rd August 1883, No. 936, Revenue.

Miscellaneous.

The Board's proposal is approved and sanctioned so far as it affects Collectors only. The Government do not think it necessary to extend the proposed power to Divisional Officers. The Board will submit a draft of amendment of paragraph 19, S.O. No. 32, for the approval of Government.

(True Extract.)

(Signed) H. E. STOKES,
Ag. Secy. to Govt., Rev. Dept.

To the Board of Revenue,
with twenty-six original letters to be returned.

RESOLUTION—dated 28th August 1883, No. 2528.

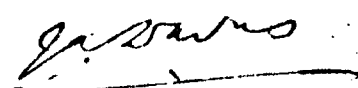
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19. "When assessed waste land is darkhasted for under these rules by two or more persons, and the Tahsildar, Divisional Officer, or Collector, is unable to decide which of them has the best claim to have the land assigned to him for cultivation, the Collector of the district may order the right of occupying the land to be sold by public auction to the highest bidder. The purchaser at such auction will be liable to pay the same assessment as if the land had been assigned to him in the first instance on darkhast. Any person may bid at such auction. When land is

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(A true Copy and Extract.)



Acting Secretary.

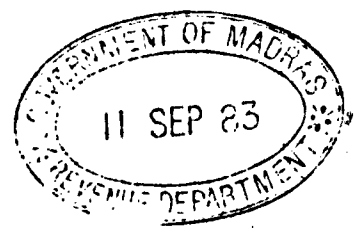
To the Secretary to Government, Revenue Department.
„ all Collectors.

Ed. A. F. Aaron.

923 August 1883

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No 5750
1883.
Board of Revenue,
MADRAS.



Printed September th.

Of 11

Proceedings, 28th August 1883, No. 2528.

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Communicating to all Collectors, with remarks, Government Order passing orders on Board's Proceedings submitting replies of Collectors regarding the proposed alteration of the rules for the disposal of applications for assessed lands when there are two or more applicants for the same land.

Ch. Ord 1146

Recd 15/9

Received

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