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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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

165

Press
~~Mis.~~

Dated

16.2.1893-196.

Not to be folded or roughly handled

16TH FEBRUARY 1893, No. 165, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 12th October 1892, No. 577 :—

Read—the following Government Order, dated 20th October 1891, Mis. No. 5446, Revenue :—

Read—Board's Standing Orders Nos. 3 and 36.

Order—dated 20th October 1891, Mis. No. 5446, Revenue.

The Government considers that Board's Standing Orders Nos. 3 and 36 require amendment and the Board of Revenue is requested to revise them in the light of the following remarks :—

(1) *Standing Order No. 3.*—The Government is of opinion that the upset price fixed, viz., 25 times the quit-rent, is too low, considering the prices realized for house-sites in some towns, notably Ootacamund. Whenever land is sold by auction under this order it should be put up at an upset price equal to the market value of similar lands in the neighbourhood where such value is in excess of 25 times the quit-rent, and at 25 times the quit-rent if it is less.

(2) *Standing Order No. 36.*—This order is wanting in clearness, and some of its paragraphs, notably, 1, 2, 3, 4, 5, 6, 7 and 18, require to be carefully re-written. Paragraph 1 does not state definitely that the power of redemption of the land revenue is limited to the classes of cases mentioned therein and paragraph 18 leads to the supposition that any ryot may redeem the revenue on his holding at will: paragraph 2 is particularly misleading in this respect. The Standing Order should begin with a clear enunciation that under the orders of the Secretary of State as contained in paragraphs 26 and 63 of his despatch of 9th July 1862, the power of redeeming land revenue assessed on land is limited to the descriptions of land now specified in paragraph 1.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.

Read—the following Government Order, dated 18th June 1892, No. 627, Revenue, recorded in Board's Proceedings, dated 1st August 1892, No. 4672, Mis. :—

Read—Proceedings of the Board of Revenue (Land Revenue), dated 2nd April 1892, No. 165.

Order—dated 18th June 1892, No. 627, Revenue.

Recorded with the remark that in revising Standing Order No. 36 as directed in Government Order, dated 20th October 1891, No. 5446, it should be distinctly laid down that the redemption of the land assessment will not be permitted except in the case of hill plantations of exotic products, such as coffee, cinchona, tea, &c., and of building sites and gardens attached thereto.

2. The title-deeds received with the Board's Proceedings read above will be executed and returned to the Commissioners of Land Revenue.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Board of Revenue (Land Revenue), with deeds.

Resolution—dated 12th October 1892, No. 577.

In the first Government Order read above, Government requires the Board to revise Standing Orders Nos. 3 and 36 with reference to certain remarks therein made.

2. In Standing Order No. 3, only a single amendment is ordered to be made which can be carried out by inserting in paragraph 2 after the words "25 years' quit-rent" the words "or the market value of similar lands in the neighbourhood whichever may be higher."

3. Government goes on to observe that Standing Order No. 36 is wanting in clearness and that some of its paragraphs, notably paragraphs 1 to 7 and 18, give a misleading idea of the description of the lands to which the redemption rules are applicable, and directs that those paragraphs should be carefully re-written and that the Standing Order should begin with a clear enunciation that, under the Secretary of State's despatch No. 14 of 9th July 1862, the redemption rules are applicable only to the descriptions of land specified in paragraph 1 of the present Standing Order. In the second Order read above, Government, at the instance of the Board, further narrows the scope of the redemption rules by confining their operation to dwelling sites and gardens attached thereto and hill plantations of exotic products, &c., thus practically excluding other gardens, such as "Baghayet or totaceal" lands from their operation.

4. The Board, therefore, now proposes to re-write the whole of Standing Order No. 36, re-arranging its provisions so as to avoid superfluous repetition. The draft of a revised Standing Order is submitted to Government for approval along with these Proceedings, the authority for each paragraph being quoted against it in the margin.

5. Of the first seven paragraphs of the revised Standing Order, the first specifies the descriptions of lands coming within the scope of the Secretary of State's despatch and the second Government Order read above, and also the classes of lands to which the redemption rule does or does not apply. Then follow a statement of (1) the persons who are entitled to redeem, (2) the assessment or other land tax which should form the basis of calculation of the redemption-money, (3) the rate of assessment to be paid for redemption, and (4) the liabilities which redemption does not exempt from and the rights which it does not affect. The 7th paragraph reproduces paragraph 16 of the existing order which entitles proprietors of lands capable of being redeemed to obtain permanent pattas on payment of the cost of survey and durable demarcation of the lands.

6. The rules relating to the admission and disposal of applications are contained in paragraphs 8 to 11 of the revised Standing Order and give an account of the procedure to be followed from the original receipt of applications down to the final disposal of the same in the order of sequence of events. Opportunity has been taken to embody paragraph 1 and the second sentence of paragraph 2 of Government Order, dated 14th November 1890, No. 913, in the Standing Order.

7. The second sentence of paragraph 2 of the present Standing Order has been omitted from paragraph 2 of the draft revised Standing Order as it comes in in a later paragraph (paragraph 7 of the present, and paragraph 3 of the draft Standing Order). The words "permanent assessment" occurring in paragraph 7 of the existing order are, however, not clear and have been replaced by the words "the proportionate peishcush

payable thereon as apportioned in the manner provided in section 45 of Madras Act II of 1864," which is what Government is entitled to claim in respect of the lands proposed to be redeemed in permanently-settled estates. The second sentence of paragraph 4 of the existing order seems superfluous and has been omitted. The first sentence of paragraph 26 of the existing order is a mere repetition of the second sentence of paragraph 15 and has therefore been omitted in the draft revised Standing Order.

APPENDIX.

Standing Order No. 36 (redemption of land assessment and creation of freeholds).

Para. 1 of the existing S.O., modified in accordance with the instructions of Govt.

Para. 3 of G.O., No. 413 of 26th Feb. 1863; G.O., No. 157 of 27th Aug. 1863 (in B.P., No. 5513 of 3rd Sept. 1863); paras. 1 and 2 of G.O., No. 897 of 23rd July 1863; and para. 2 of B.P., No. 2251 of 6th Aug. 1863, recorded in G.O., No. 1070 of 1st Sept. 1863.

Para. 6 of B.P., No. 165 of 2nd April 1892.

Paras. 1 and 8 (1) of G.O., No. 413 of 26th Feb. 1863 (in B.P., No. 3666 of 20th June 1863).

Para. 3 of the present S.O.; para. 3 of G.O., No. 1310 of 16th July 1863 (in B.P., No. 4731 of 29th July 1863).

Do.

do.

do.

Para. 4 of present S.O.; para. 8 (1) of G.O., No. 413 of 26th Feb. 1863 (in B.P., No. 3666 of 20th June 1863).

Para. 5 of the present S.O. Rule 13 of the draft rules submitted by the Local Government to the Government of India, with its letter, No. 395 of 25th Feb. 1862, communicated to the Board with G.O., No. 2080 of 24th Sept. 1862.

Para. 2 of present S.O.; Rule VII of the draft rules submitted with the Local Government's letter to the Government of India, No. 395 of 25th Feb. 1862, communicated with G.O., No. 2080 of 24th Sept. 1862; and para. 8 (2) of G.O., No. 413 of 26th Feb. 1863 (in B.P., No. 3666 of 20th June 1863).

Under paragraphs 24 to 26 and 63 of the Secretary of State's despatch, No. 14 of 9th July 1862, and under paragraph 1 of Government Order, dated 18th June 1892, No. 627, the redemption of land revenue and creation of freeholds will be permitted only in the case of such of the lands subject to assessment, quit-rent or other land tax as fall within the following descriptions and in no others:—

- (1) Building sites;
- (2) Gardens of limited extent attached thereto; and

- (3) Hill plantations of exotic products, such as tea, coffee, cinchona, &c.

This rule is applicable to lands of the descriptions above designated situated in zemindaris as well as to all similar lands situated in Government taluks, subject to the exceptions hereinafter mentioned. Lands of the above descriptions which are held on inam tenure or have been purchased under the rules else where given for the sale of waste lands on the Nilgiris and Shevaroy's and in the Wynad taluk of Malabar (Standing Order No. 33) will be dealt with according to the deeds under which they are held and will not be affected by the above rule. "Gramanattam," land or village site is also excluded from its operation. But the rule may be applied to lands coming under its scope which are included in grants of unassessed waste land already made for terms of years before the passing of the rules embodied in Standing Order No. 32, and in which no right of occupancy or proprietorship exists except that of the grantees or such as has been derived from them; and it may, with the sanction of the Board, be extended in its operation to similar lands which are held in shares, on cowles or on leases, and generally on any peculiar tenure.

2 In the case of lands, the land revenue of which is redeemable under the above rule and which are situated in estates held under the Regulations of 1802, the registered zemindar will alone be held to have the right to redeem the land revenue. In the case of similar lands held on ryotwari tenure the registered proprietor holding directly from Government will alone have the right to redeem. In other cases the person entitled to pay the assessment or other land tax will be held, as a general rule, to possess the right, but doubtful cases must be referred to the Board for decision.

Para. 7 of the present S.O. (Rule IX of the Local Government's draft rules above referred to).

Para. 8, clauses (1), (3) and (4) of G.O., No. 413, dated 26th February 1863, in Bd.'s Procs., No. 3666, dated 20th June 1863, and para 4 of G.O., No. 1310 of 16th July 1863, in Bd.'s Procs., No. 4731 of 29th July 1863.

S.O. No. 3rd (para. 2 of G.O., No. 1189, dated 15th December 1891, in Bd.'s Procs., No. 10, dated 6th January 1892).

Para. 6 of the present S.O., para. 75 of the Secretary of State's Despatch communicated with G.O., No. 2080, dated 24th September 1862 (in Bd.'s Procs., No. 6507, Press, dated 26th September 1862); and paras. 6 and 7 of G.O., No. 413, dated 26th February 1863, in Bd.'s Procs., No. 3666, dated 20th June 1863.

Para. 2 of G.O., No. 478, dated 6th March 1863.

Para. 9 of the present S.O. (Rule X of the local Government's draft rules above referred to).

Para. 10 of the present S.O. (Rule VI of the local Government's draft rules above referred to).

Para. 8 of the present S.O. (Rule VIII of the local Government's draft rules above mentioned).

Para. 16 of the present S.O. and S.O., No. 3rd, clause (1).

Para. 9 of G.O., dated 5th August 1859, No. 1053, in Bd.'s Procs., dated 23rd August 1859, No. 332; para. 5 of G.O., dated 16th July 1863, No. 1310, in Bd.'s Procs., dated 29th July 1863, No. 4731, para. 1 of G.O., No. 897, dated 23rd July 1883, and para. 3 of Bd.'s Procs., No. 2261, dated 6th August 1883, recorded in G.O., No. 1070, dated 1st September 1883, and clause (1) of Bd.'s Procs., dated 12th March 1891, No. 158.

The latter part of the first sentence of para. 1 and para. 11 of the present S.O. (Rules I and II of the Local Government's draft rules above mentioned).

3. The assessment which should form the basis of the calculation of the redemption-money will, in the case of lands situated in estates permanently settled under Regulation 25 of 1802, be the proportionate peishkash payable thereon as apportioned in the manner provided in section 45 of Madras Act II of 1864. In the case of lands which are held on other tenures, the basis of calculation will be the settlement or recognized standard assessment except where the land is held in perpetuity at specified fixed rates in which case such rates will be adopted. In all cases in which the assessment to be redeemed includes a percentage on account of land or village service cess, such percentage should be excluded in the calculation of the redemption money, since the land will still remain liable to these rates.

4. The rate of redemption will be 25 times the proportionate peishkash, settlement assessment or other rate taken as the basis of commutation under the preceding paragraph in addition to the actual cost of survey and durable demarcation, except where the Government title-deed under which the land may be already held shall contain an express provision for redemption at a lower rate. Commutations of all descriptions of charges on land with the exception of inam quit-rents are to be calculated at the same rate unless the land be held on deeds allowing a lower rate under orders from Government.

5. Lands of which the assessment is redeemed under paragraph 1 above will continue liable to general, local and municipal taxes in common with other lands.

6. It must be understood that the freedom of tenure conferred by redemption is absolute only as against Government. It will be given on *prima facie* evidence of the right of the applicant to be recognized as proprietor, and other persons contesting that right and claiming the land will be as free as before to sue the holder in the Civil Courts; nor will it in any way affect sub-tenures, rights of occupancy or any other subordinate rights whatever.

7. Proprietors of lands the land revenue of which is capable of being redeemed under paragraph 1 above, but who are unable or unwilling to redeem the tax will, on application and on payment of the cost of survey and of durable demarcation, be granted titles of permanent settlement in the form given in the appendix in lieu of the yearly pattas hitherto granted; and tenures on such titles will be convertible at will into freehold, on payment down of 25 times the proportionate peishkash, assessment or other specified perpetual rate as above provided.

8. The following rules are prescribed for the admission and disposal of applications for redemption of land revenue and for the grant of permanent pattas:—

(1) Applications for the redemption of land revenue and for the grant of a permanent patta conferring the power of redemption at will must be submitted to the Collector and

Para. 18 of the present S.O. para. 4 of G.O., dated 26th February 1863, No. 413 (in Bd.'s Procs., dated 20th June 1863, No. 3666) and Bd.'s Procs., dated 12th September 1863, No. 5749.

Para. 14 of the present S.O. (Rule XII of the local Government's draft rules above mentioned).

Para. 19 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Para. 21 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Para. 12 of the present S.O. (rule IV of the local Government's draft rules mentioned above and para. 4 of G.O., dated 26th February 1863, No. 413, in Bd.'s Procs., dated 20th June 1863, No. 3666).

Para. 13 of the present S.O. (rule V of the local Government's draft rules mentioned above).

Para. 20 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

First sentence of para. 15 of the present S.O. and para. 22 of the present S.O. as amended by S.O. No. 3rd. (Bd.'s Procs., dated 12th September 1863, No. 5749, and clause (2) of Bd.'s Procs., dated 12th March 1891, No. 158).

This portion is newly added.

Last sentence of para. 22 of the present S.O. First clause of para. 24 of the present S.O. as amended by S.O. No. 3rd, clause (3) (Bd.'s Procs. of 12th September 1863, No. 5749, and 12th March 1891, No. 158) and the second sentence of para. 2 of G.O., dated 14th November 1890, No. 913, in Bd.'s Procs., dated 9th February 1891, No. 87.

Para. 23 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Para. 24 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

should state the situation of the lands, their extent so far as known, their assessment or other land tax, the purposes for which they are used and the applicant's title to be recognised as their proprietor.

(2) On receipt of the application, the Collector, if he sees no *prima facie* objection to his complying with it, will, before admitting it, require the applicant to deposit the estimated cost of demarcating, surveying and preparing a plan of the land and of establishing durable boundary marks, unless the land shall have been already scientifically surveyed, in which case only a deposit of the estimated cost of erecting durable boundary marks and of preparing a plan of the land will be required. In all cases where a Collector may refuse to permit an applicant to redeem his assessment or other land-tax it will be open to the applicant to appeal to the Board.

(3) If the applicant fails to deposit the sum required under the foregoing rule, within six weeks from date of demand, his application will be held null and void.

(4) On the admission of an application, the Collector will enter the same in registers which he should open and carefully maintain in the forms prescribed for the purpose. Durable boundary pillars or marks must then be erected clearly defining the limits of the land, and the land must be surveyed and a plan of it prepared at the cost of the applicant as soon as possible. In cases where the land has already been scientifically surveyed and the particulars are on record, its resurvey will not be necessary; but durable pillars should be erected and a plan of the land prepared at the expense of the applicant. The Collector will refund to the depositor any portion of his deposit that may not be actually expended on the purposes for which it was made; and the depositor should be required to pay any deficiency.

(5) On payment of the redemption money in full and the deficiency, if any, in the cost of survey, demarcation, &c., the deeds of enfranchisement should be drawn up in duplicate in the form given in the appendix to this order, and, after being properly filled up and compared, should be submitted through the Board for the signature of the Secretary to Government; in the case of applications for permanent pattas, the patta should be similarly prepared and submitted in the prescribed form on payment only of the deficiency, if any, in the deposit for cost of survey, &c. The boundaries of the lands should be clearly entered in the title-deeds.

(6) The plans of the lands attached to the deeds and pattas and the spare copies of the plans to be delivered to the grantees should be signed by the Collector and will also require the signature of the Secretary executing the deed on behalf of Government.

(7) The deeds and pattas must be consecutively numbered in order corresponding with the registers in which the particulars are entered; the plans to accompany the documents must be securely attached to the deeds or pattas and numbered to correspond. The deeds or

Para. 1 of G.O., dated 14th November 1890, No. 913 (in Bd.'s Procs., dated 9th February 1891, No. 87).

Para. 24-A of the present S.O. (para. 1 of G.O., dated 15th December 1891, No. 1189, in Bd.'s Procs., dated 6th January 1892, No. 14).

Second sentence of para. 22 of the present S.O. as amended by S.O. No. 15, clause (2) (Bd.'s Procs., dated 12th September 1893, No. 5749), and Bd.'s Procs., dated 12th March 1891, No. 158).

The latter clause of para. 21 of the present S.O. (Bd.'s Procs., dated 12th September 1893, No. 5749).

Second sentence of para. 15 of the present S.O. (Board's Circular, dated 26th March 1893, No. 1529).

Second sentence of para. 26 of the present S.O. (Board's Circular, dated 26th March 1893, No. 1529).

Para. 25 of the present S.O. (Bd.'s Procs., dated 12th September 1893, No. 5749).

Para. 27 of the present S.O. (Bd.'s Procs., dated 12th September 1893, No. 5749).

pattas should also be accompanied by a list of corrections, interlineations, &c., requiring to be initialled by the Secretary to Government.

(8) In forwarding redemption title-deeds or permanent pattas, the Collectors should state in their covering letters the nature of the holding and also whether they have satisfied themselves that the lands concerned are of such a description that redemption of the land revenue thereon is permissible under these rules.

(9) On receipt of the deeds or pattas from Government, the signature of the applicant will be obtained and one copy will be delivered to him and the second copy will be carefully preserved by the Collector. The Collector will also preserve therewith the original maps or plans and survey records of the lands in a series corresponding with the number in the register.

9. It is to be distinctly understood that the current demand on the lands the land revenue of which is redeemed, will continue up to the date on which the redemption money is preferred in full, together with the balance (not covered by deposit) of actual cost of demarcation, survey and preparation of plan, or of demarcation and preparation of plan only, as the case may be. If redemption is effected during the course of the year, the assessment or other land-tax is to be levied ratably for the broken period preceding redemption.

10. Every six months a report will be furnished by Collectors to the Board for transmission to Government, of all sums that may have been realized in the previous six months by payments on account of redemption of land revenue.

11. Copies of the rules will be supplied to Tahsildars for sale to the public at the price that may be fixed by the Board.

Amendment to appendix to S.O. No. 36.

For the words "Standing Order No. 36, paragraph 15," and "Standing Order No. 36, paragraph 16," occurring at pages 92 and 94 of the appendix to the Board's Standing Orders (Revised edition); substitute "Standing Order No. 36, paragraph 8 (5)" and "Standing Order No. 36, paragraph 7," respectively.

(True Copies and Extract.)

(Signed) F. LEVY,
for Acting Secretary.

To the Secretary to Government, Revenue Department.

ORDER—dated 16th February 1893, No. 165, Revenue.

Miscellaneous.

The revised Standing Order No. 36, submitted with the Board's Proceedings read above, is approved subject to the following modifications:—

(1) In the description of lands given in paragraph 1, the expression "Building sites" should be altered into "Sites of buildings."

(2) In the same paragraph the closing sentence "But the rule applies to lands which" should be deleted.

(3) In the last sentence of paragraph words "to grant permanent patta or" should be deleted.

2. With reference to the amendment proposed in the Board's Proceedings the Government considers that the words "25 years' quit-rent" occurring in paragraph 2 should be deleted.

"At an upset price equal to the market-value of the lands in the neighbourhood of 25 times the quit-rent if it is less."

(True Extract)

(Signed) E. GIBSON,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.

Exd. C. M. Brisson.

40 Copies.

Original
Govt. of {1893} Madras
REVENUE.

16-2-05 ✓
9/1- ✓
5-2-18 ✓
26-7-20 ✓

Issued

Recd.

Encl.

G.O., 16th February 1893, No. 165.

FEBRUARY.

Revised Standing Order No. 36.

Approving, subject to certain modifications,
the — regarding the redemption of land assess-
ment and creation of freehold.

165/5
BOARD OF REVENUE (LAND REVENUE), 12TH OCTOBER 1892, No. 577

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

Read—the following Government Order, dated 20th October 1891, Mis. No. 5446,
Revenue:—

Read—Board's Standing Orders Nos. 3 and 36.

Order—dated 20th October 1891, Mis. No. 5446, Revenue.

The Government considers that Board's Standing Orders Nos. 3 and 36 require amendment and the Board of Revenue is requested to revise them in the light of the following remarks:—

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(2) *Standing Order No. 36.*—This order is wanting in clearness, and some of its paragraphs, notably, 1, 2, 3, 4, 5, 6, 7 and 18, require to be carefully re-written. Paragraph 1 does not state definitely that the power of redemption of the land revenue is limited to the classes of cases mentioned therein and paragraph 18 leads to the supposition that any ryot may redeem the revenue on his holding at will: paragraph 2 is particularly misleading in this respect. The Standing Order should begin with a clear enunciation that under the orders of the Secretary of State as contained in paragraphs 26 and 63 of his despatch of 9th July 1862, the power of redeeming land revenue assessed on land is limited to the descriptions of land now specified in paragraph 1.

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Para. 6 of B.P., No. 165 of 2nd April 1892.

Paras. 1 and 8 (1) of G.O., No. 413 of 26th Feb. 1863 (in B.P., No. 3666 of 20th June 1863).

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Do. do. do.

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Para. 5 of the present S.O. Rule 13 of the draft rules submitted by the Local Government to the Government of India, with its letter, No. 395 of 25th Feb. 1862, communicated to the Board with G.O., No. 2080 of 24th Sept. 1862.

Para. 2 of present S.O.; Rule VII of the draft rules submitted by the Local Government's letter to the Government of India, No. 395 of 25th Feb. 1862, communicated with G.O., No. 2080 of 24th Sept. 1862; and para. 8 (2) of G.O., No. 413 of 26th Feb. 1863 (in B.P., No. 3666 of 20th June 1863).

Under paragraphs 24 to 26 and 63 of the Secretary of State's despatch, No. 14 of 9th July 1862, and under paragraph 1 of Government Order, dated 18th June 1892, No. 627, the redemption of land revenue and creation of freeholds will be permitted only in the case of such of the lands subject to assessment, quit-rent or other land tax as fall within the following descriptions and in no others:—

- (1) Building sites;—
- (2) Gardens of limited extent attached thereto; and
- (3) Hill plantations of exotic products, such as tea, coffee, cinchona, &c.

This rule is applicable to lands of the descriptions above designated situated in zemindaris as well as to all similar lands situated in Government taluks, subject to the exceptions hereinafter mentioned. Lands of the above descriptions which are held on inam tenure or have been purchased under the rules elsewhere given for the sale of waste lands on the Nilgiris and Shevaroy's and in the Wynnaal taluk of Malabar (Standing Order No. 33) will be dealt with according to the deeds under which they are held and will not be affected by the above rule. "Gramanattam," land or village site is also excluded from its operation. But the rule (may be applied) to lands (coming under its scope) which are included in grants of unassessed waste land already made for terms of years before the passing of the rules embodied in Standing Order No. 32, and in which no right of occupancy or proprietorship exists except that of the grantees or such as has been derived from them; and it may, with the sanction of the Board, be extended in its operation to similar lands which are held in shares, on cowles or on leases, and generally on any peculiar tenure.

(2) In the case of lands, the land revenue of which is redeemable under the above rule and which are situated in estates held under the Regulations of 1802, the registered zemindar will alone be held to have the right to redeem the land revenue. In the case of similar lands held on ryotwari tenure the registered proprietor holding directly from Government will alone have the right to redeem. In other cases the person entitled to pay the assessment or other land tax will be held, as a general rule, to possess the right, but doubtful cases must be referred to the Board for decision.

Para. 7 of the present S.O. (Rule IX of the Local Government's draft rules above referred to).

Para. 8, clauses (1), (3) and (4) of G.O., No. 413, dated 26th February 1863, in Bd.'s Procs., No. 3666, dated 20th June 1863, and para 4 of G.O., No. 1310 of 16th July 1863, in Bd.'s Procs., No. 4731 of 29th July 1863.

S.O. No. 3rd (para. 2 of G.O., No. 1189, dated 15th December 1891, in Bd.'s Procs., No. 10, dated 6th January 1892).

Para. 6 of the present S.O., para. 75 of the Secretary of State's Despatch communicated with G.O., No. 2080, dated 24th September 1862 (in Bd.'s Procs., No. 6507, Procs., dated 26th September 1862); and paras. 6 and 7 of G.O., No. 413, dated 26th February 1863, in Bd.'s Procs., No. 3666, dated 20th June 1863.

Para. 2 of G.O., No. 478, dated 6th March 1863.

Para. 9 of the present S.O. (rule X of the local Government's draft rules above referred to).

Para. 10 of the present S.O. (Rule VI of the Local Government's draft rules above referred to).

Para. 8 of the present S.O. (Rule VIII of the Local Government's draft rules above mentioned).

Para. 16 of the present S.O. and S.O., No. 1st, clause (1).

Para. 9 of G.O., dated 6th August 1859, No. 1053, in Bd.'s Procs., dated 23rd August 1859, No. 332; para. 5 of G.O., dated 16th July 1863, No. 1310, in Bd.'s Procs., dated 29th July 1863, No. 4731, para. 1 of G.O., No. 897, dated 23rd July 1863, and para. 3 of Bd.'s Procs., No. 2261, dated 6th August 1863, recorded in G.O., No. 1070, dated 1st September 1864, and clause (1) of Bd.'s Procs., dated 12th March 1891, No. 158.

The latter part of the first sentence of para. 1 and para. 11 of the present S.O. (Rules I and II of the Local Government's draft rules above mentioned).

3. The assessment which should form the basis of the calculation of the redemption-money will, in the case of lands situated in estates permanently settled under Regulation 25 of 1802, be the proportionate peishkash payable thereon as apportioned in the manner provided in section 15 of Madras Act II of 1864. In the case of lands which are held on other tenures, the basis of calculation will be the settlement or recognized standard assessment except where the land is held in perpetuity at specified fixed rates in which case such rates will be adopted. In all cases in which the assessment to be redeemed includes a percentage on account of land or village service cess, such percentage should be excluded in the calculation of the redemption money, since the land will still remain liable to these rates.

4. The rate of redemption will be 25 times the proportionate peishkash, settlement assessment or other rate taken as the basis of commutation under the preceding paragraph in addition to the actual cost of survey and durable demarcation, except where the Government title-deed under which the land may be already held shall contain an express provision for redemption at a lower rate. Commutations of all descriptions of charges on land with the exception of inam quit-rents are to be calculated at the same rate unless the land be held on deeds allowing a lower rate under orders from Government.

5. Lands of which the assessment is redeemed under paragraph 1 above will continue liable to general, local and municipal taxes in common with other lands.

6. It must be understood that the freedom of tenure conferred by redemption is absolute only as against Government. It will be given on *prima facie* evidence of the right of the applicant to be recognized as proprietor, and other persons contesting that right and claiming the land will be as free as before to sue the holder in the Civil Courts; nor will it in any way affect sub-tenures, rights of occupancy or any other subordinate rights whatever.

7. Proprietors of lands the land revenue of which is capable of being redeemed under paragraph 1 above but who are unable or unwilling to redeem the tax will, on application and on payment of the cost of survey and of durable demarcation, be granted titles of permanent settlement in the form given in the appendix in lieu of the yearly pattas hitherto granted; and tenures on such titles will be convertible at will into freehold, on payment down of 25 times the proportionate peishkash, assessment or other specified perpetual rate as above provided.

8. The following rules are prescribed for the admission and disposal of applications for redemption of land revenue and for the grant of permanent pattas:—

(1) Applications for the redemption of land revenue and for the grant of a permanent patta conferring the power of redemption at will must be submitted to the Collector and

Para. 18 of the present S.O. para. 4 of G.O., dated 26th February 1863, No. 413 (in Bd.'s Procs., dated 20th June 1863, No. 3666) and Bd.'s Procs., dated 12th September 1863, No. 5749.

Para. 14 of the present S.O. (rule XII of the local Government's draft rules above mentioned).

Para. 19 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Para. 21 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Para. 12 of the present S.O. (rule IV of the local Government's draft rules mentioned above and para. 4 of G.O., dated 26th February 1863, No. 413, in Bd.'s Procs., dated 20th June 1863, No. 3666).

Para. 13 of the present S.O. (rule V of the local Government's draft rules mentioned above).

Para. 20 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

First sentence of para. 15 of the present S.O. and para. 22 of the present S.O. as amended by S.O. No. 1st, clause (3) (Bd.'s Procs., dated 12th September 1863, No. 5749, and clause (2) of Bd.'s Procs., dated 12th March 1891, No. 158).

This portion is newly added.

Last sentence of para. 22 of the present S.O. First clause of para. 24 of the present S.O. as amended by S.O. No. 1st, clause (3) (Bd.'s Procs., dated 12th September 1863, No. 5749, and 12th March 1891, No. 158) and the second sentence of para. 2 of G.O., dated 14th November 1890, No. 913, in Bd.'s Procs., dated 9th February 1891, No. 87.

Para. 23 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Para. 24 of the present S.O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

should state the situation of the lands, their extent so far as known, their assessment or other land tax, the purposes for which they are used and the applicant's title to be recognised as their proprietor.

(2) On receipt of the application, the Collector, if he sees no *prima facie* objection to his complying with it, will, before admitting it, require the applicant to deposit the estimated cost of demarcating, surveying and preparing a plan of the land and of establishing durable boundary marks, unless the land shall have been already scientifically surveyed, in which case only a deposit of the estimated cost of erecting durable boundary marks and of preparing a plan of the land will be required. In all cases where a Collector may refuse to permit an applicant to redeem his assessment or other land-tax it will be open to the applicant to appeal to the Board.

(3) If the applicant fails to deposit the sum required under the foregoing rule, within six weeks from date of demand, his application will be held null and void.

(4) On the admission of an application, the Collector will enter the same in registers which he should open and carefully maintain in the forms prescribed for the purpose. Durable boundary pillars or marks must then be erected clearly defining the limits of the land, and the land must be surveyed and a plan of it prepared at the cost of the applicant as soon as possible. In cases where the land has already been scientifically surveyed and the particulars are on record, its resurvey will not be necessary; but durable pillars should be erected and a plan of the land prepared at the expense of the applicant. The Collector will refund to the depositor any portion of his deposit that may not be actually expended on the purposes for which it was made, and the depositor should be required to pay any deficiency.

(5) On payment of the redemption money in full and the deficiency, if any, in the cost of survey, demarcation, &c., the deeds of enfranchisement should be drawn up in duplicate in the form given in the appendix to this order, and, after being properly filled up and compared, should be submitted through the Board for the signature of the Secretary to Government; in the case of applications for permanent pattas, the patta should be similarly prepared and submitted in the prescribed form on payment only of the deficiency, if any, in the deposit for cost of survey, &c. The boundaries of the lands should be clearly entered in the title-deeds.

(6) The plans of the lands attached to the deeds and pattas and the spare copies of the plans to be delivered to the grantees should be signed by the Collector and will also require the signature of the Secretary executing the deed on behalf of Government.

(7) The deeds and pattas must be consecutively numbered in order corresponding with the registers in which the particulars are entered; and the plans to accompany the documents must be securely attached to the deeds or pattas and numbered to correspond. The deeds or

Para. 1 of G.O. dated 14th November 1890, No. 913 (in Bd.'s Procs., dated 9th February 1891, No. 87).

Para. 24-A of the present S. O. (para. 1 of G. O., dated 15th December 1891, No. 1189, in Bd.'s Procs., dated 6th January 1892, No. 10).

Second sentence of para. 22 of the present S.O. as amended by S. O. No. 22, clause (2) (Bd.'s Procs., dated 12th September 1863, No. 5749, and Bd.'s Procs., dated 12th March 1891, No. 158).

The latter clause of para. 21 of the present S. O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Second sentence of para. 15 of the present S. O. (Board's Circular, dated 26th March 1860, No. 1529).

Second sentence of para. 26 of the present S. O. (Board's Circular, dated 26th March 1860, No. 1529).

Para. 25 of the present S. O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

Para. 27 of the present S. O. (Bd.'s Procs., dated 12th September 1863, No. 5749).

pattas should also be accompanied by a list of corrections, interlineations, &c., requiring to be initialled by the Secretary to Government.

(8) In forwarding redemption title-deeds or permanent pattas, the Collectors should state in their covering letters the nature of the holding and also whether they have satisfied themselves that the lands concerned are of such a description that redemption of the land revenue thereon is permissible under these rules.

(9) On receipt of the deeds or pattas from Government, the signature of the applicant will be obtained and one copy will be delivered to him and the second copy will be carefully preserved by the Collector. The Collector will also preserve therewith the original maps or plans and survey records of the lands in a series corresponding with the number in the register.

9. It is to be distinctly understood that the current demand on the lands the land revenue of which is redeemed, will continue up to the date on which the redemption money is preferred in full, together with the balance (not covered by deposit) of actual cost of demarcation, survey and preparation of plan, or of demarcation and preparation of plan only, as the case may be. If redemption is effected during the course of the year, the assessment or other land-tax is to be levied rateably for the broken period preceding redemption.

10. Every six months a report will be furnished by Collectors to the Board for transmission to Government, of all sums that may have been realized in the previous six months by payments on account of redemption of land revenue.

11. Copies of the rules will be supplied to Tahsildars for sale to the public at the price that may be fixed by the Board.

Amendment to appendix to S.O. No. 36.

For the words "Standing Order No. 36, paragraph 15," and "Standing Order No. 36, paragraph 16," occurring at pages 92 and 94 of the appendix to the Board's Standing Orders (Revised edition), substitute "Standing Order No. 36, paragraph 8 (5)" and "Standing Order No. 36, paragraph 7," respectively.

(True Copies and Extract.)

for Acting Secretary.

To the Secretary to Government, Revenue Department.

Exd. S. J. Pereira.

165
REVENUE DEPARTMENT.

1892.

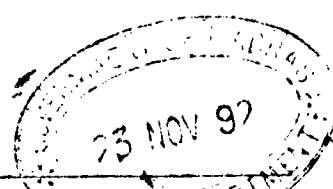
Board of Revenue

(Land Revenue),

MADRAS.

Printed November 1892.

Read 23 Nov 92



Proceedings, 12th October 1892, No. 577.

Suggesting the amendment to be made in Standing Order No. 3 with reference to Government Order, No. 5446, dated 20th October 1891, and submitting, for the approval of Government, with remarks, a draft revised Standing Order, No. 36, regarding the redemption of land assessment and creation of freeholds.

C.No. 10021/92

For orders.

165/9
In its order d 20-10-91 No 5446 the Government instructed the Board to revise the Standing Orders Nos 3 and 36, the former so as to admit of the upset price being raised in those towns where lands are more valuable than 25 times the quit-rent, and the latter so as to render clear the provisions of some of its paragraphs ^{especially paras} notably 16 7 and 18. In a subsequent order (G.O. 18.6.92 No 627), Government further instructed the Board to limit the scope of the Standing Order to hill plantations of exotic products and to building sites + gardens attached thereto. In the Current read above the Board has revised the Standing orders accordingly.

With regard to S.O No 3 the amendment suggested by the Board in para 2 of its Proceedings may stand; but the sentence ~~the~~

l.c. letter of building.
Building site means adjoining a place where a building may be built - but the rules are intended to apply to sites occupied by buildings.

Amended would read better,
it is thought, if the word "of"
occurring before the words "25 years
quit-rent" were altered into
'equal to' or ~~or~~ Alternatively,
the wording in the G.O. may be
followed as thus:-

"At an upset price equal
to the market value of similar
lands in the neighbourhood
where such value is in excess
of 25 times the quit-rent, and
at 25 times the quit-rent, if it
is less."

As regards S.O. no 36, the
Board has taken this opportunity
to thoroughly re-cast the whole
order. It has also embodied
in the revised standing order the
instructions conveyed in G.O.
8/14-11-90 no. 913.

The following points
deserve notice:-

(1) In the description of
lands given in para 1, the Board
has followed G.O. 8/18-6-92 no 627,
but on comparing the G.O. with
the Secretary of States Dispatch of
2-2-69 it will be seen that the

may stand as proposed by the
P.L. I think - It is clear -
L.H.

Yes. but the words "with an
upset price" P.L. has changed
to "at an upset price".
L.H.

4 Para 26 & 40. Prop. 24-9-62.

'Jasam Plantations and
other similar purposes'

marked ~~the~~ ^{the} first expression I think
is 'sites of buildings' i.e.
includes the kind of building
L.H.

I think so.

L.H.

I think rule 1 N. L. stands
in lines 29 & 30. Now =
at present it runs
"But the rule may be applied
to lands ~~coming under its scope~~
which are included in:
I think it N.L. runs -
"But the rule applies to
lands which are included
in the
jurisdiction. L.H.

1/2/93

H60
27 Feb
L.H.
11/2/93

latter uses the expression "dwelling
houses and factories" while the
corresponding expression in the
G.O. is "Building sites" which is
a wider term. For orders as to
whether this latter term is to
stand.

(2). The closing sentence of
para 8 (2) corresponds to para 14
of the present Standing Order, and
neither in the revised nor in the
existing order is appeal to Board
allowed when a collector refuses
to admit an application for a
"permanent pattah". But there
appears to be no reason to limit
the appeal to cases where a
collector refuses to allow im-
mediate redemption. For orders
as to whether an appeal may
be ^{allowed} ~~provided~~ in both cases.

R.V.L.
25/

L.H. 25/1

C. No. 10021 of 1892

Amendment of S.O.
Nos. 3 and 36.

H. M. S.

(3) In the last sentence of para 8(2), after the word "refuse" the words "to grant permanent patta or" should be inserted.

R.V.S.

15/2

14/10/2

C No 10021 of 92

G.O. of 16 Feb. 1893, no. 165

The revised S.O. no 36 submitted with the Board Prop read above, is approved subject to the following modifications.

(1) In the description of land given in para 1, the expression "Building sites" should be altered into "sites of buildings".

H. M. S. 12/2/93
(2) In the same para. the closing sentence should begin as follows:

But the rule applies to land which are included.

2. With reference to the amendment proposed in para 2 of the B.P., the Govt considers that it would be better to insert after the words "25 years quit rent" occurring in para 2 of S.O. no 3 the following:

"at an upset price equal to the market value of similar lands in the neighbourhood"

such value is in excess of
25 times the quit rent, and
at 25 times the quit rent,
if it is less".

R.H.
6/2.

HL 6/2.

To
16 The Com^{rs} of 1892-7-3. 1.
Note HL 16/2 2. 1892
by HL 16/2

No orders have been passed
on the last para of the office
note regarding appeal to
the Board.

R.H.

I think the words "To grant
a permanent reduction" ought to be
inserted at para 5 para 8 (2) -
after the word "refuse" -

HL 6/2.
14/11 1892
1926

C No 10021792

Re: amendment of
S.O. No 3 & 36.

G. Co. 16 Feb^y 1893, no. 165
H.M.S.

Printed at
16/2