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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1195-96 Press Mis.

Dated 29-10- 1885.

Not to be folded or roughly handled

Govt. of {1885} Madras.

REVENUE.

Issued

Recd. *Encl.*

G.O., 20th October 1885, No. 1171.

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29TH OCTOBER 1885, No. 1195, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 13th July 1885, No. 2074 :—

READ—again the following Proceedings of the Board of Revenue, dated 22nd December 1884, *Mis. No.* 12145 :—

ABSTRACT.—Communicating to the Collector of Tanjore Government Order on letter from the Government of India regarding the Revenue Settlement of Tanjore.

READ—also the following letter from J. B. PENNINGTON, Esq., Collector of Tanjore, *to the Secretary to the Board of Revenue*, dated 5th March 1885, No. 1216 :—

With reference to the Proceedings of the Board of Revenue, dated 22nd December 1884, Mis. No. 12145, forwarding G.O. No. 1364 (Revenue), dated 8th December 1884, and calling for a report on the condition of the actual cultivators of the soil in this district, and your reminder, dated 23rd January 1885, No. 661, I have the honor to state that I have not had time to make any special inquiries or to receive any further information on the subject since the receipt of the order in question, but, having already devoted a good deal of attention to it, I venture to submit the following remarks for consideration, though not without very great diffidence.

2. There is, no doubt, as observed by Government, a distinction between the "Purakudies," who are *real tenants* (of a sort), and the "Purakudies" and "Panniyals," who are really nothing but day-laborers; but it is, I apprehend, the condition of both these unsecured cultivators (whether they are called "Purakudies" or "Panniyals") to which the Government of India allude. They are all "actual cultivators," whose condition is only more or less precarious. The superior class of porakudies are probably not worse off here than elsewhere, but even they have no reasonable assurance "as to the fruits of their industry;" and the others, though not, I dare say, in a much worse position than agricultural laborers in many other countries, have absolutely no such assurance whatever.

3. The real question seems to me to be whether the land of the mirasidars in this district is not being cultivated too much on the day-laborer system, instead of on the sharing system. I think it is; though I am quite aware that, *with a good landlord*, the condition of day-laborers may be far better than that of sub-ryots enjoying a fixed share of the crop.

4. The fact is that the bulk of the real agricultural laborers of this district ("Panniyals") are not really free agents at all; and it is not the case, I think, that they "*resort freely* to emigration when hard pressed." On the contrary, I have the authority of the Court of Wards for saying that they have been reduced to a condition which "savours strongly of bondage,"* and that special precautions are taken to make it impossible for them to emigrate.

* Court's Proceedings, No. 2203, dated 31st July 1883, paragraph 32.

5. I have already brought the condition of the "actual cultivator" prominently to notice in a report on a crop experiment made last year to the Director of Revenue Settlement and Agriculture, dated 5th May 1884, No. 2491, in paragraph 3 of which I wrote as follows :—

"It is difficult to understand how such land as that on which this experiment was tried can be made to pay *rent* (exclusive of the assessment) at all; and the fact that it does shows clearly in what an abject state of poverty the actual cultivators are kept by their masters, the mirasidars. They are, in fact (as recently observed by the Board), in a state "savouring strongly of bondage," but (like slaves elsewhere) they are not so wretched as might be expected. They have few cares, plenty of work and generally just enough to eat, so that they enjoy excellent

healt i on the whole and are said to be less subject to venereal diseases than their masters. The syste n, however, is not, in my opinion, conducive to the efficient cultivation of the country; either the actual cultivators have not a sufficient interest in the crop, or the mirasidars are less enterprising than in Tinnevelly."

6. When, however, I am asked to suggest "remedial measures," the problem seems almost hopeless of solution, and I have never satisfied myself that I could make any suggestion at all likely to be carried into effect. But as I am called upon to report, I will state what I think ought to be done, if possible. After all, my proposals do not go much further than those of the Honorable Mr. Justice Cunningham which are published in the *Gazette of India* of the 24th January.

7. It will, I believe, be generally admitted—at any rate in Madras—that originally the produce of the land in India was shared between two parties only—the Government and the "actual cultivator" (see Mr. A. D. Campbell's paper, page 749 of Volume II Reprint of the fifth Report); and that to certain persons, Zemindars and the like, Government made over their share from time to time on certain conditions specified (with more or less obscurity and vacillation) in various Acts and Regulations, one of which conditions generally was that they should "treat their ryots with tenderness." But no such settlement was made with the ordinary ryotwari proprietors (mirassidars, as they call themselves here), partly, perhaps, because in most parts of the country they were then the "actual cultivators" themselves (paragraph 8 of G.O., No. 437, dated 29th April 1882, in which the same view is expressed), and it was not observed that many of them had become great landlords (often Brahmans, who are scarcely ever the actual cultivators and often non-resident), who let out their land to sub-ryots who are really tenants-at-will, though perhaps not often mere farm laborers or serfs.

8. In the order quoted above, the Government observed that it was quite out of the question to confer on the person who actually holds the plough or personally labors on cultivation operations anything like occupancy rights without expropriating the landowners and destroying, or at least materially injuring, all property in land.

9. Now I have no desire to suggest anything revolutionary or anything calculated to reduce the value of any man's undoubted property, but I do think that the "actual cultivator," who in this district at any rate has long since relieved the original party to the contract with Government of all manual labor, does deserve more consideration than he has received hitherto; and that while the status of all others interested in the land is being settled, the interests of the man to whose labor so much is due ought not to be entirely neglected. Any scheme for compensating the landowners seems impracticable and unnecessary for the reasons stated by Mr. Justice Cunningham in paragraph 34. It is not intended to deprive them of their rights, but only to settle them on a permanent basis; and it is as much to their interests (*sua si bona noscent*) "as to that of Government to have a prosperous, contented and *substantial* tenantry."

10. The tendency of enlightened legislation everywhere is to secure to the "actual cultivator" the due reward of his labor and to give him at least a chance of rising in the social scale. This object has been accomplished in various ways in various countries, and it need not be supposed because the permanent settlement in Bengal has failed to secure it, that it was necessarily a foolish settlement. Considering what he was himself, it was not at all unreasonable for Lord Cornwallis to believe that by the creation of landlords of the English type, the cultivators of the soil would be placed in more comfortable circumstances than by any other settlement that could then be made. If the landlords created by him had proved themselves as humane and liberal as he evidently expected they would be, no better plan for the peaceable and prosperous settlement of the country could have been devised; but if they failed in their duty and if one result of the permanent settlement has been to reduce the actual "cultivators" of the soil to something very like serfdom at least, if not actual slavery, it is plainly the duty of the Government to intervene and rectify, if possible, the error they committed in giving their landlords too absolute an authority. At the present day, at any rate, the English law will not permit slavery in any form; and if it is found that landholders anywhere have succeeded in evading the distinct provisions of the law and have reduced their cultivating classes to a condition which, as the Court of Wards

say, "savours strongly of bondage," it is surely the duty of Government to interfere on behalf of "the poor and needy and them that have no (other) helper." *How* they are to interfere is the great problem of the day which is to be solved in Bengal by the much abused "Tenancy Bill," and elsewhere it may be in many different ways. In Madras Zemindaries, perhaps the simplest remedy would be to declare that the so-called tenant is really a "peasant proprietor" like the Government ryot, and is only bound to pay a fixed share of the produce (commuted or not) to the Zemindar; but with the cultivating classes employed under the ordinary ryotwari proprietor the case is different, and nothing has ever been done to secure to them the fruits of their industry; so that at the present time in districts where the right of the landholder is absolute, as in Malabar and Tanjore, we have the highest authority for saying that the "actual cultivator" has already been reduced to a condition differing only in name from slavery or serfdom.

11. It is therefore, in my opinion, fast becoming a serious question whether the minimum share of the produce to be allowed him should not be fixed by law in the case of all land. I should be inclined to go even further and say that the amount of the proprietor's share (Melwaram) should be fixed once for all on each field, so that in future any one cultivating that field would be assured of enjoying the fruits of any extra labour he might expend upon it; but always with the proviso that the "actual cultivator" should never have less than a fixed share of the produce, so that there might be a limit to sub-letting. This would effect a permanent settlement for the ryotwari land similar to that enjoyed by zemindari ryots in dealing with their landlords. All the reasonable demands of the "ryot proprietor" might be met by a provision to the effect that the proprietor's share (Melwaram) might be increased on account of any permanent improvement made at the expense of the proprietor (or jointly at the expense of the proprietor and cultivator) *with the prior consent of the Collector* or other officer appointed in that behalf.

12. To assess the amount leviable from the "actual cultivator" on each field in the country would only be a logical extension of the principle which underlies the common law of this country, viz., that the whole produce is divisible between the Government and the "actual cultivator;" and if by reason of the lightness of the assessment or any other circumstances, the ryot who holds direct from Government has succeeded in making for himself a valuable property out of his land and has made himself into a sort of rent-charger or zemindar, that is no reason why the "actual cultivator" should not be protected in his rights as it was always intended he should be (Bengal Regulation I of 1793, Section 8, see also Section 250 *et seq.* of Mr. Field's "Landholding" from which it appears that so early as 1776, the Governor-General was fully impressed with the importance of securing to the ryots the *perpetual and undisturbed possession of the lands* and protecting them from arbitrary exactions of farmers as well as Zemindars). It should not be supposed, because the Government have not yet thought it necessary to intervene between the ryot-proprietor and his cultivating tenants, that they have no right to do so; on the contrary, it has always been their clearly expressed determination to intervene whenever it should be thought necessary. It was in order to fix the demand of the Zemindars on the cultivators that the Court of Directors thought it so important to fix the demand of the Government on the Zemindars (see page 756 of the 2nd Volume quoted above); but now in Bengal (as observed by Mr. Campbell, page 760), "the cultivator, whose payment was the only one limited by the despotic sovereigns who preceded us in the government of India, is the only individual whose payment the Government have left undefined," and is therefore, to all intents and purposes, a serf with scarcely any rights at all.

13. The only proper "subject of dispute between *Melwarandar* and *Kudiwarandar* (superior and inferior landholder) is the *quantum* payable by the latter to the former" (page 778.) "It has been justly observed that by simply defining that *quantum* and thus satisfactorily adjusting all disputes between either Government or their representative and the numerous minor classes connected with agriculture, a good revenue settlement tends more to promote order, to preserve harmony and to check litigation and crime amongst all ranks of society in India than the whole code of laws or all the tribunals established to administer them" (page 781.)

14. As to the position of Government in the matter, Mr. Campbell says: "The right of Government to interfere between the Zemindar and the cultivator to define the *quantum* so payable is unquestionable." It is not only founded on the ancient common law of India, but was clearly reserved at the period of the permanent settlement (page 781). This view is asserted with great force in the minute of the Honorable Mr. Justice Cunningham referred to above, to which, as strongly corroborating the position I am attempting to establish, I request that reference may be made.

15. As observed by the Board many years later, the ryotwari settlement was, in fact, a permanent settlement of the most beneficial character, because it was made with the actual owners of the soil, no matter how small the holdings of some of them might be; but it is necessary now to take care lest in permanently settling the ryotwari land, we have only created a fresh set of Zemindars without any of the checks which our imperfect legislation has succeeded in imposing on the Zemindars of the permanent settlement.

16. We may take a hint in this matter (as in many others) from the practice of the French in India, who provided, so far back as 1788, that the mirasidars should enter into engagements with the "*Soushabitant*," who is also styled "cultivator," and that his share should in no case whatever be less than 25 per cent. (Mr. Campbell's report on the settlement of Tanjore, dated 2nd January 1828, paragraph 13). It will be observed from the following paragraph of the same report that the Danes also were much more careful than we have ever been in defining the rights and duties of a ryot in what Mr. Campbell calls the "puttah" given by them. It will also be seen from paragraph 17 that Mr. Harris actually assigned a fixed percentage to the under cultivators or purakudies, allowing them as much as 26⅔ to 35 per cent. of the gross produce, "their interests being (as the French Government also thought) paramount as producing all the food and property of the country."

17. Mr. Campbell, in paragraph 58 of the letter quoted above, states that, in his opinion, "the mirasidar (landholder) of Tanjore holds his land on the double tenure of paying to the Government its revenue in money, and to the purakudi ('actual cultivator' or *Soushabitant*) his share in kind, the maximum of which with us, as with the French Government, has been clearly defined, liable to alteration only by written contract between the parties;" and I believe it is the "common law" of Madras that everyone concerned in the cultivation of a field is entitled to a share in the produce, and cannot, legally at any rate, be reduced to a "condition savouring of bondage."

18. This was also the principle adopted by the Bengal Rent Commission (1880), viz., that such a share "should be left to the *cultivator of the soil* as will enable him to carry on the cultivation, *to live in reasonable comfort* and to participate to a reasonable extent in the progress and improving (increasing?) prosperity of his native land;" and in the draft bill prepared by the same Commission, the highest rent eligible from an "occupancy ryot" was limited to ¼th of the average annual value of the gross produce (Field, page 50, notes 7 and 8).

19. Whether it is possible that any such settlement as I have suggested could be carried out, I leave it to Government to decide; but that some remedial measures are necessary must, I think, be admitted, for the present system of bondage can hardly be seriously defended.

20. All I am concerned to prove is that (in the words of Mr. Justice Cunningham) "the special circumstances of Tanjore are such as, if uncounteracted, to ensure the degradation and misery incidental to a redundant agricultural population crowding on the soil, and, *secondly*, that Government has a right to interfere for their protection and is bound to exercise that right."

21. Mr. Cunningham speaks with astonishment of a population of 800 to the square mile, which is much less than the average of the whole Tanjore delta, if the undeveloped taluk of Tiruturaipúndi is excluded; and our population may also be said to be "exclusively agricultural" (though it might not appear to be so from the census report). We have therefore much the same economic conditions as in Bengal —a country which Tanjore probably resembles more closely than any other district in

this Presidency. In fact "society seems to be fast reaching the stage described by Mr. Mill, where he says—'As the land is a fixed quantity while population has an unlimited power of increase, unless something checks that increase, the competition for land soon forces up the rent to the highest point consistent with keeping the population alive. The effects, therefore, of a cottier system depend on the extent to which the capacity of the population to increase is controlled by custom, individual prudence or by starvation and disease.'" Up to this time we have tried only the last two checks. The circumstances of the Tanjore cultivator render prudence impossible and custom is entirely against it.

22. Mr. Venkasami Row, in an elaborate calculation (page 393 of the Manual), shows that the population in 1871 must have consumed all the food grains except about 105,000 tons, even though he allows them only a very bare subsistence. At the same rate, the population in 1881 would leave less than 80,000 tons for export, worth just about enough to pay the revenue. It may be said, however, that the produce should be divided amongst those actually engaged in raising it and living on it; and that pensioners and outsiders of all sorts should be regarded as customers of the ryot, just as much as foreigners are. I can hardly suppose that the number of such pensioners, &c., can exceed the 130,000 by which number the population now exceeds two millions, so that we may assume that the population which actually lives on the land is at least 2,000,000, which is very nearly the figure adopted by Mr. Venkasami Row for his calculation.

23. There would seem, therefore, to be no great surplus for the accumulation of wealth, because the export of other produce is really very insignificant; and other facts point, I think, to the conclusion that the great bulk of the population is not (as is commonly supposed) by any means wealthy. Taking the figures of the Board (which are, however, no doubt, very unreliable, and, in fact, necessarily wrong owing to the plan on which they are compiled), we have 190 puttadars paying over Rs. 1,000 a year to Government as revenue; or an average of Rs. 1,423; and assuming that the landholders' share (Melwaram) is equal on the average to twice the assessment, (which is, I believe, a very liberal estimate), the average net income of the 190 wealthiest landed proprietors would be £284 a year.

24. There is yet another test that may be applied where we have as a guide actual figures for some years. There are now under the Court of Wards five Ryotwari Estates with gross incomes ranging from Rs. 5,194 to Rs. 77,869, which may reasonably be taken as a sample of the whole district. The following statement will show that some of them are so extremely embarrassed, that it has been found absolutely necessary to sell parts of them to save the remainder, and that the net income after paying ordinary costs of management, &c., averages only about twice the assessment:—

STATEMENT showing the condition of the Ryotwari Estates under the management of the Court of Wards in the Tanjore District at the close of Fasli 1293.

Names of Estates.	Gross Income of Fasli 1293.	Cost of Establishment, &c., and Cultivation Expenses.	Net Income of Fasli 1293.	Government Assessment.	Debts due to the Estate on 31st December 1884.	Debts due by the Estate on 31st December 1884.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Yadapathimangalam	77,869	26,586	51,283	28,627	98,778	47,572
2. Ukkadai	* 18,985	6,415	12,170	9,772	19,183	76,950
3. Mathur	† 10,595	3,591	7,004	3,446	2,577	2,879
4. Alangudiohori	7,672	1,883	5,789	2,396	20,673	2,699
5. Velangonni	5,194	110	5,084	1,700	..	2,629
Total ..	1,20,215	38,585	81,630	39,015	1,40,991	1,35,525
Average ..	24,043	7,717	16,326	7,803	28,198	27,105

* Excludes value realized by sale of jewels, &c. † Excludes value realized by sale of lands.

25. It appears to be the great object of landlords almost everywhere to prevent the growth of occupancy rights: it is, I think, one of the primary objects of Government to encourage it.

26. Government is equally bound to protect *every* class of cultivators—not those only who may have been firmly established 100 years ago; it is bound, in fact, to see that the best custom of the country is adhered to, and that, on the whole, is the shafing system. It is, at any rate, contrary to good policy (to say nothing of higher principles) to allow the land to be cultivated by creatures who live like animals in a state of bondage and the most primitive barbarism.

Read—the following letter from R. C. NARAYANASAMI, Deputy Collector of Pattukóta Division, to the Collector of Tanjore, dated 26th February 1885:—

With reference to your foot-note, No. 251, of the 16th January 1885, I beg to state that the agricultural population of the district might be classed under the following heads:—

(1) The proprietors of the soil paying revenue direct to Government, including the mirasidars of the Taraf, Shrotriem and Inam, &c., villages and also the Zemindars.

(2) The persons having a saleable interest in the land as tenants, *i.e.*, those who possess right to a share in the proprietor's share of the crops and divide waram with them. These are called kudies. This class of peasantry will be met with only in the Zemindari and Inam and Shrotriem villages which are lightly assessed by Government.

(3) Persons who have no occupancy right in the soil, but cultivate lands by virtue of lease deeds obtained from the two classes of persons above described.

(4) Persons who are mere agricultural laborers without possessing any sort of right in the soil. Under this group fall both porakudies and pannials. The difference between these being only as observed by the Government that porakudies are paid their hire at some settled rate of share in the crop, while the pannials—originally slaves attached to the soil—are paid wooly at daily rates. Now so far as this division is concerned, the lands of the taluk being unlike those of other taluks of the district and unirrigated, and the chances of realizing fairly good crops being entirely dependant on the vicissitudes of the season, all the ordinary proprietors and tenants prefer to exert their best and cultivate the lands themselves generally without either leasing out the lands or engaging pannivals. The tenants generally get half waram for nanjei and two-thirds waram for punja crops. The bulk of the land-owners of this division are very petty mirasidars. The general condition of these ryots and of the tenants is far from being in any way good and satisfactory.

Endorsement by J. B. PENNINGTON, Esq., Collector of Tanjore, dated 7th March 1885, No. 1255.

Submitted for the information of the Board and Government, in continuation of this office letter, No. 1216, dated 5th instant.

Read—the following letter from KRISHTNASAMY IYER, Deputy Collector of Tanjore Division, to the Collector of Tanjore, dated Senghipatti, 21st March 1885, No. A:—

Adverting to your endorsement, No. 251, dated 16th January last, on Government Order, dated 8th December 1884, Nos. 1364 and 1364A, regarding the Revenue Settlement of Tanjore, I have the honor to report that the ryot-puttadars of Tanjore are not generally the cultivating tenants; that the cultivation is carried on either by panniyals (hired laborers) or porakudies (a sort of tenants), and that there are no regular tenants under the Tanjore mirassidars as under the Zemindars.

2. As observed by Government, the panniyals get daily grain wages from the mirasidars. They also receive small presents in kind and cash on occasions of marriage, child-birth, deaths, oongal and other festivals. They are allowed Kalavadi (the privilege of collecting and enjoying the grain spilt on the threshing floor). The mirasidars further provide the panniyals, free of rent, house-sites with backyards for their occupation and enjoyment, and give them loans of money without interest and land to build their houses, &c.

3. The porakudies are of two classes—

I. Those who, being themselves petty ryots or puttadars, cultivate the lands of the other richer mirassidars in addition to their own.

II. Those who, not holding lands of their own, cultivate only the lands of their mirasidars.

The porakudies are also allowed house-sites and back yards free of rent. But they provide themselves with seeds and ploughing stock and get waram (a share of the produce for cultivating the land).

4. In the good old times, the panniyals were actual slaves and the porakudies more obedient to the mirasidars. But owing to advancement of civilization and litigation, the mirasidars are now-a-days more annoyed by porakudies and pannials than the latter by the former. The mirassidars are, therefore, now in the habit of taking bonds from panniyals for moneys lent to them, and deeds of rent from them and the porakudies for house-sites, as the latter claim ownership thereto by reason of long enjoyment. The panniyals and porakudies are in these days at full liberty to resort to emigration whenever they like, and do what they please. They are, I believe, as happy as they could be, and their status is not such as requires any remedial measures to place them in a better condition than they are at present.

5. There is also the leasing or sub-letting system very common in the ryotwari villages of Tanjore, as observed by the Government of India; the lease is given only for stated periods and for specified amounts in kind or money on execution of the necessary deeds of lease, &c.

The renters or lessees have no tenancy right to the land, and the method of cultivation adopted by them is similar to what the mirassidar himself would have otherwise adopted.

Endorsement by J. B. PENNINGTON, Esq., Collector of Tanjore, dated Pangal, 30th March 1885, No. 1965.

Submitted for the information of the Board, in continuation of this office letters, Nos. 1216 and 1255, dated 5th March and 7th March 1885, respectively.

Read—also the following letter from P. W. MOORE, Esq., Acting Sub-Collector, to the Collector of Tanjore, dated Shiyáli 10th March 1885, No. 247:—

With reference to your foot-note, No. 251, dated 16th January last, I have the honor to forward herewith the reports of the Tahsildars of my division (to be kindly returned).

2. It seems to me that none of the porakudies of this district can fairly be called sub-tenants. In so far as any of them hold lands in their own names, they are tenants directly under Government. The great majority of them, however, do not hold any lands in this way, but cultivate under mirassidars, receiving a share of the produce, which varies from 18 to 33 per cent. on the gross outturn, the mirassidars either defraying all village charges, or allowing a certain additional amount of paddy, called *Kaluvadi*, to the Porakudies therefor. As appears from the Kumbakónam Tahsildar's report, the mirassidars can at any time dispense with their services, and they are at liberty at any time to cease to work under the mirassidars. They are therefore mere laborers.

3. The Tahsildars are unanimous in their opinion that the condition of the porakudies and pannials is not bad, and that no special interference by Government is needed on their behalf.

4. From inquiries I have made, I am led to believe that in many cases the mirassidars are abandoning the porakudi system and engaging pannials. The latter system prevents all disputes as to rates of waram. I have no doubt that the porakudi system would generally be abandoned were it not that in many cases it is difficult to procure pannials. Therefore, the demand for the latter being great and the supply small, it may be expected that their condition will improve.

5. The delay in sending this report is due to the non-receipt of the reports from the Tahsildars, the last of which was received only yesterday.

ENCLOSURE No. 1.

From N. KRISHNA AIYANGAR, Tahsildar of Mayavaram, to the Sub-Collector of Tanjore, dated 15th February 1885.

With reference to your honor's endorsement order, No. 251, dated 4th instant, on Board's Proceedings, Mis. No. 12145, dated 22nd December 1884, directing me to report about the condition of the sub-tenants of the mirassidars, I beg to report as follows.

2. In paragraph 2 of the order, dated 8th December 1884, No. 1364, Revenue, sub-tenants are classed under two heads, viz., porakudies and pannials. The former again are divided into two kinds, namely, (1) those who also hold and cultivate land in their own names and who are alone entitled to be called sub-tenants, and (2) the porakudies, who are mere laborers, and I beg to report about their income as follows.

3. The porakudies get a share of the produce as "waram" which varies from ¼ to ⅓ of the quantity harvested. They also get some extra remuneration of 1½ or 2 measures of paddy as "kalavady." Further an extent of land varying from 50 to 100 gulies are assigned to them for every 15 veahs of land as waram which will yield about 7 to 10 kalams of paddy.

4. The pannials or daily laborers get wages ranging from 2 to 4 measures of paddy per diem. A "kalavady" of 1½ to 2 measures of paddy is also given to them. They occasionally get presents from their masters for such feasts as pongal, deepavaly, &c. In some places, their masters give them annually about a rupee and a half for purchasing cloth. An extent of about 50 to 75 gulies are allowed to these men also as vaaram, which may yield about 4 kalams of paddy. When they have no work to do under their masters, they work elsewhere, when they get wages in kind, which varies from 2 to 4 measures or about 2 to 3 seers in cash.

5. The condition of the porakudies and pannials does not call for any remedial measures, as nothing wrong is now being done to them.

ENCLOSURE No. 2.

From T. V. NARAIYANASAWMI, Tahsildar of Shiyali, to the Sub-Collector of Tanjore, dated 8th March 1885, No. 103.

With reference to the papers noted in the margin, I beg to report that the condition of the sub-tenants of the mirassidars of Tanjore does not call for any interference in their behalf on the part of Government. There are two sets of cultivators, porakudies and pannials. The former provides the required seed and ploughing stock, and in consideration of this and the labor spent on cultivation, he receives certain share of the outturn whatever it may be, the share varying in different parts from 18 to 33 per cent., besides remuneration for customary village labor and manuring. Their condition is not bad. As regards the latter their condition is only the same as that of agricultural laborers in the neighbouring districts. They get daily grain wages without reference to price, are provided with houses and advances on account of marriages and presents on the occasions of birth and death, and freely take to emigration if hard pressed.

Endorsement, dated 4th February 1885, on the endorsement of the Collector, dated 15th January 1885, appended to the copy of Proceedings of the Board of Revenue, dated 22nd December 1884, Mis. No. 12145.

ENCLOSURE No. 3.

From the Tahsildar of Kumbakonam, No. 120, dated 16th February 1885.

Your footnote of the 4th instant on Board's Proceedings, Mis. No. 12145, dated 22nd December 1884, has been received and passed on to the Mayavaram Tahsildar in circulation.

2. The lands in this taluk are the property of the puttadars. About 2,000 of these cultivate the lands themselves and the rest by means of pannials or porakudies. The latter class of men take out the lands from the puttadars and cultivate them upon condition of receiving the usual waram which has been fixed for each village at the rate of 30, 33 or 39 per cent. of the produce. They would also obtain from the puttadars money for purchasing the ploughing cattle and paddy for expenses of cultivation. The paddy which they receive in advance on account of expenses will be adjusted out of the waram due to them. If the puttadars dispense with their services, they should repay any amounts that they might have borrowed from them. If they fail to do so, the only means left to the puttadars for recovering them is to resort to the Civil Courts. These are called *porakudies*. They have no interest at all in the land. The porakudies themselves may cultivate as long as they please and may give it up as they will.

3. The pannials are also cultivators. The puttadars lend them some money or get them married and keep them in service. They take daily wages for their labor and cultivate the lands. Their services also can be dispensed with at the will of either party. If one puttadar dispenses with the services of any pannial he would take up service under another. The pannials may go anywhere they please and there is no restriction placed upon them. These have also no kind of interest whatever in the land. There is no harm or inconvenience in the present practice of having the puttadars' lands cultivated by means of porakudies and pannaiyals.

(True Translation.)

(Signed) J. B. PENNINGTON,
Collector.

Endorsement by J. B. PENNINGTON, Esq., Collector of Tanjore, dated Vallam, 2nd April 1885, No. 2044.

Submitted for the information of the Board and Government in continuation of this office letter, No. 1216, and foot-note No. 1255, dated 5th and 7th March 1885, respectively.

2. There is a curious difference in the opinions expressed by the Tahsildars of this division and by Mr. Narainsami Nayudu, Temporary Deputy Collector, who is also a Tahsildar of great experience in this district.

READ—also the following G.O., dated 6th June 1885, Mis. No. 2882, Revenue:—

ABSTRACT.—Communicating letter from the Government of India Revenue and Agricultural Department requesting an early reply to their communication regarding the condition of sub-tenants of the mirassidars of Tanjore with the request that the submission of the report therein called for may be expedited.

Resolution—dated 13th July 1885, No. 2074.

In the first of the letters above read, the Collector of Tanjore furnishes the report called for by Government in G.O., dated 8th December 1884, No. 1364, regarding the condition of the sub-tenants of the mirassidars in that district. The other papers contain the reports of the Divisional officers on the same subject.

2. It appears that the Government of India had been led by the replies of the Board to the questions of the Famine Commissioners printed at pages 359 and 419 of the Appendix to their report—Evidence, Volume III—to believe that subletting was very common among the mirassidars of Tanjore, and that the real cultivators of the soil were reduced to abject poverty. They accordingly desired to be informed to what extent the information furnished by the Board was correct, and directed that the subject should receive attention when making inquiries in connection with the forthcoming settlement of the district, and should be specially noticed in the settlement officer's report.

3. The passages referred to by the Government of India in the Board's replies to the questions of the Famine Commissioners had reference to the condition of the porakudis of the mirassidars, and the Madras Government have already pointed out that a distinction must be made between porakudis who also hold and cultivate lands in their own names and who alone are entitled to be called sub-tenants, and the porakudis who are mere laborers; that the condition of the former is not specially unfavorable; that the latter class are not worse off than agricultural laborers elsewhere and resort to emigration when hard pressed; and that the only difference between them and the class of pannials (farm laborers) is that the pannial gets daily grain wages and the porakudi a share of the crop. The Board believe that the description given by Government is substantially accurate, and accords with the opinion expressed by them at page 428 of the Appendix—Evidence, Volume III—to the Famine Commissioners' Report.

4. Mr. Pennington begins his report by stating that he has not had time for making any special inquiries in connection with the question referred to him, but that

having devoted a good deal of attention to it in a general way, he is in a position to submit his views regarding it. He admits that there is a distinction between porakudis who are tenants (of a sort) and the porakudis and pannials who are nothing but day laborers, but considers that it is the condition of both these unsecured cultivators that is referred to by the Government of India, as they are all actual cultivators whose condition is more or less precarious; that the superior class of porakudis are probably not worse off here than elsewhere, but even they have "no reasonable assurance as to the fruits of their industry;" and that the others, though not in a much worse position than agricultural laborers in many other countries, "have absolutely no such assurance whatever." He adds that the real question is whether the land of the mirassidars is not being cultivated too much on the day labor instead of on the sharing system; that the bulk of agricultural laborers (pannials) are not really free agents at all, and do not resort to emigration when hard pressed; that they have been reduced by the mirassidars "to a condition which strongly savours of bondage;" and that special precautions are taken to make it impossible for them to emigrate. He, however, further on states that the condition of these agricultural laborers like that of slaves elsewhere is not so wretched as might be expected; that they have few cares, plenty of work and generally just enough to eat so that they enjoy excellent health on the whole, but that nevertheless the system does not conduce to the efficient cultivation of the country as the actual cultivators have not a sufficient interest in the crop and the mirassidars are less enterprising than in Tinnevelly.

5. The Board are of opinion that Mr. Pennington's somewhat inconsistent statements are based on a series of fundamental misconceptions. It seems to them that throughout his report he ignores the distinction between tenant farmers and farm laborers, the tenant farmers being persons who undertake the cultivation of land paying rent to the proprietor for the use of it and defraying all the expenses of cultivation, and the farm laborers the servants hired by them. It is doubtless true that "the tendency of enlightened legislation" is to encourage the application of capital to the improvement of land and to increase the food production of the country by giving the tenant farmer fixity of tenure if he can be shown to have by the traditional usage of the country an interest in the land, though not fully protected by law, and in any case a right, when ejected, to be compensated for any improvements he might have effected, and of which he has not either wholly or in part reaped the benefit; but nowhere has it been found possible to regulate the wages payable to the farm servant. The status of mirassidars in the Tanjore District, who are mostly small holders, more than half of them paying less than Rs. 10 as assessment to Government, differs in no respect from that of ryots in other districts, who, as defined by the Board in 1818, constitute "the class of cultivators who employ, superintend, and sometimes assist the laborer, and who are everywhere the farmers of the country and the creators and payers of the public revenue." The mirassidar-ryot, except when he sublets his land, is farmer as well as proprietor, and cultivates his holding either under the pannei or porakudi system. When the land is cultivated under the pannei system, the mirassidar-ryot superintends the work of the pannials in the minutest detail, paying them daily wages, and often works in the fields himself. In cases in which the porakudi system of cultivation is adopted, the porakudi or laborer is remunerated by a share of the crop instead of by daily wages, on condition of finding the seed-grain and employing his own ploughing cattle and agricultural implements. The ordinary porakudi cultivation therefore is not a case of subletting any more than pannei cultivation. The land remains in the possession of the ryot, who pays the taxes, bears the expenses of farm repairs, clearance of irrigation channels, manuring the fields and lowering them, and who reaps the produce with the assistance of the porakudis, to whom he pays special wages for this work over and above the warum or share of the crop set apart as remuneration for cultivating the land. As pointed out by Mr. Wallace, the Collector of Tanjore in 1805 (*vide* collection of "Papers on Mirassi Right"), "although the mirassidars, in employing either class of porakudis, renounce all interference in the actual business of tillage, it is not to be considered that they neglect the management of their lands. On the contrary, they superintend and direct the labors of the porakudis

Number of puttas for less than Rs. 10.	86,603
Total number of puttas	152,381

in all the particulars of rural economy. Their engagements with porakudis are not for a fixed quantity of grain or a determinate sum of money. The porakudis have an active interest in cultivating the lands of the mirassidars in the most beneficial manner possible, as a fixed proportion of the produce is the only remuneration which they have to look to for their labors. This proportion varies in different villages. It is not anywhere less than 22 per cent. of the gross produce, nor more than 30." This arrangement exactly answers the purposes of an industrial partnership between the laborer and the farmer, recommended by political economists as being calculated to call forth the activity and intelligence of the laborer to the advantage of both. It is therefore a mistake to state, as Mr. Pennington has done, that porakudis and pannials, who he admits are only hired laborers, "have no assurance as to the fruits of their industry." The wages they get is the remuneration for their labor, and there is no question in their case of compensation for improvements, for improvements are effected at the mirassidar's expense. What Mr. Pennington means probably is that the rate of wages in force is insufficient to maintain the laborer in decent comfort, though elsewhere he admits that he "has plenty of work and enjoys excellent health." This view of the case simply opens up the socialist question of "the claims of labor" as against "capital," and no means, consistent with the maintenance of private property that the Board are aware of, have been devised for keeping wages at a high level when natural influences, such as the pressure of population on the means of subsistence and the absence of habits of prudence among the working classes, tend to lower them.

6. Mr. Pennington's citation of the authority of the Board in their capacity of Court of Wards for the statement that the mirassidars have reduced the porakudis "to a condition savouring strongly of bondage" is misleading. The circumstances under which the Court of Wards made the remark were these:—The Collector of Tanjore (Mr. H. E. Stokes) in 1883, in his report on Wards' estates in that district, stated, in respect of one estate, that the larger portion of the debts due to it consisted of advances made to porakudis which were irrecoverable, but that the amounts should nevertheless be retained in the accounts to prevent their leaving the service of the estate. The Court of Wards, not approving of this arrangement, refused to sanction it, remarking that it savoured strongly of bondage limited by the law of limitation, and ordered the Collector to recover at once all such sums as could be recovered and clear the accounts of the rest which were practically fictitious entries. The remark was probably too strong even in the circumstances of the particular case, and the Court of Wards did not certainly intend by it to characterize the condition of laborers generally throughout the Tanjore District as one of bondage. It is true that at the end of the last century the pannials in Tanjore District as elsewhere were prædial slaves, but under the operation of British laws not a vestige of slavery now remains, and the laborers are free to dispose of their labor on the best terms obtainable. Mr. Pennington's assertion that laborers are not "free agents at all" in any but a metaphorical sense is contradicted by the statements contained in the reports of all his Divisional officers, and the Board are of opinion that he should not have committed himself to so serious and misleading a statement without sufficient inquiry. Mr. Pennington also points to the fact of ryotwari land paying rent at all to the ryot in addition to the Government assessment, as conclusively showing that the laborers are kept in an abject state of poverty, overlooking the fact that the Government do not profess to take the whole of the economic rent as their revenue; for if they did the ryots' property would have little or no value, while the object of fiscal reforms from the days of Sir Thomas Munro has been to render it valuable. Mr. Pennington's argument in fact amounts to this that after paying the Government revenue there ought to be nothing left for rent, and that all the balance of profit should go to the farm laborer, forgetting that such an arrangement would at once result in the farm laborer employing somebody to work under him and turning himself into a rent-receiver.

7. Mr. Pennington's proposal to improve the position of the porakudi is to fix at the settlement in regard to each field the quantity of produce representing what he calls the melvaram (but which is really the kudivaram) of the mirassidar-ryot, so that any one cultivating the land may after paying it be assured of enjoying the fruits of any extra labor he might bestow upon it, but always with the proviso that the

porakudi should never have less than a fixed share of the produce "so that there might be a limit to subletting." (Probably what is meant is a limit to the rent taken from the under-tenant, but as already pointed out ordinary porakudi cultivation is not a case of subletting at all). If the ryot makes any improvements to the land at his own expense, his share is to be increased on that account. It is not stated whether pannei cultivation is to be prohibited; if it is to be, the prohibition would clearly be an unwarrantable interference with the liberty of the ryot to cultivate the land himself with the aid of laborers when he could not do it efficiently without assistance, and if it is not, any artificial restrictions placed on the share of the ryots now settled by usage and the conditions of the labor market must necessarily have the effect of driving the mirassidar-ryots to adopt the pannei system of cultivation—a result which Mr. Pennington himself very much deprecates. So long as the ryot is allowed the liberty of selecting any one he likes as porakudi to cultivate the land for him—and Mr. Pennington expressly disclaims all intention of confiscating the rights of the ryot and conferring on the porakudi who cultivates for the moment a permanent occupancy right in the land—any attempt to regulate by law the waram payable to the porakudi is tantamount to fixing his wages, and as such must obviously fail except when the rates authoritatively fixed conform to the prevailing rates settled by usage or competition, and in that case any such authoritative settlement will be entirely unnecessary. It is moreover not shown that the rates of porakudi waram or share of the crop taken by the porakudi is lower than it ought to be, or that there is any tendency to diminution in regard to it in recent years. On the contrary, comparing the rates mentioned in the passage quoted from Mr. Wallace's report in 1805 with those now in force, there appears to have been little, if any, variation in the rates since the beginning of the century. In the delta taluks of the district, the porakudi, on an average, is allowed a waram of 25 per cent. of the gross produce, 4½ per cent. for reaping, 3½ per cent. for threshing, or 32½ per cent. in all, besides rent-free house-sites and occasional advances of money without interest (*vide* pages 381,—6 of the Tanjore District Manual). The Government share of the gross produce is about 47 per cent., and this and the porakudi's remuneration, 32½ per cent. as above shown, being deducted, there is left for the mirassidar about 20 or 21 per cent., from which he has to meet the expenses of farm repairs, manuring, kudimaramat and permanent improvements, local cesses, stamp duty and other expenses incidental to the possession of landed property; and if the ryot in Tanjore is prosperous, it is not because he pays unduly low wages to his laborers, but because the Government share of the produce has been commuted into a money payment at a rate which is less than half the average of the ruling market prices. One result of the proposed limitation of the ryots' waram will be to transfer the duty of effecting improvements to the land from a class which is fairly well-to-do on to a class living from hand to mouth, and which must necessarily resort to money-lenders for meeting even the ordinary expenses of cultivation. It may be that the mirassidars in Tanjore are less enterprising than those in Tinnevelly, although no proof is adduced to show that this is really the case, but the porakudi system is not answerable for this result, for it obtains in Tinnevelly and indeed throughout the whole presidency.

7. Mr. Pennington states that legislation in favor of the porakudi will be in accordance with the common law of the country under which the produce of land is "divisible between the Government and the actual cultivator." The actual cultivator here referred to is evidently the original colonist "who cut away the wood or who first cleared the land and tilled it" and his successors in interest, and not the laborer now hired by him. Mr. Pennington treats the position of a mirassidar as similar to that of a Zemindar, and erroneously calls the share of the produce taken by the former melvaram instead of kudivaram, which it really is. There is no real difference between the status of a mirassidar and that of a ryot as already pointed out, and all declarations made at the time of the permanent settlement in favor of the ryots are entirely inapplicable to porakudis, who, as well as the sub-ryots referred to by Mr. Justice Cunningham in his minute on the Bengal Rent Bill, from which Mr. Pennington largely quotes, have "no historical status whatever." It is also to be noted that in the recent Bengal tenancy legislation, the Zemindar's Khamar land, *i.e.*, land in

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to the views previously expressed by
dated 29th April 1882, No. 451, that an
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unnecessary, impolitic, and unjust.

(True Copies

To the Secretary to Government, Revenue D
Copy to the Collector of Tanjore.

ORDER—dated 29th October 1885,

Land Revenue, No. 133.

2. Ordered that the Governmer

(Here enter No.

To the Board of Revenue.

Exd. E. Fernandez

100 Copies.

Madras

REVENUE.

Issued

Recd. *Encl.*

G.O., 29th October 1885, No. 1195.

OCTOBER.

Sub-tenants in Tanjore.

Concurring in the views expressed by the Board of Revenue regarding the condition of —.

29TH OCTOBER 1885, No. 1196, REVENUE.

REVENUE DEPARTMENT.

LETTER—from

THE ACTING SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

SIR,

With reference to your letters, No. 663-R, dated 26th September 1884, and No. 352-R, dated 28th May 1885, I am directed to forward the accompanying copy of proceedings of this Government, dated 29th instant, No. 1195, and to say that His Excellency the Governor in Council has nothing to add to the exhaustive treatment of the matter in question contained in the proceedings of the Madras Board of Revenue read therein.

Land Revenue, No. 134.

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

(Signed) J. F. PRICE,
Ag. Secretary to Government.

FORT ST. GEORGE,
29th October 1885.

Exd. E. Fernandez.

70 Copies.

PROCEEDINGS OF THE BOARD OF REVENUE.

Read—again the following Proceedings of the Board of Revenue, dated 22nd December 1884, Mis No. 12145 :—

Abstract—Communicating to the Collector of Tanjore Government Order on letter from the Government of India regarding the Revenue Settlement of Tanjore.

Read—also the following letter from J. B. PENNINGTON, Esq., Collector of Tanjore, to the Secretary to the Board of Revenue, dated 5th March 1885, No. 1216 :—

With reference to the Proceedings of the Board of Revenue, dated 22nd December 1884, Mis. No. 12145, forwarding G.O. No. 1364 (Revenue), dated 8th December 1884, and calling for a report on the condition of the actual cultivators of the soil in this district, and your reminder, dated 23rd January 1885, No. 661, I have the honor to state that I have not had time to make any special inquiries or to receive any further information on the subject since the receipt of the order in question, but, having already devoted a good deal of attention to it, I venture to submit the following remarks for consideration, though not without very great diffidence.

2. There is, no doubt, as observed by Government, a distinction between the "Purakudies," who are real tenants (of a sort), and the "Purakudies" and "Panniyals," who are really nothing but day-laborers; but it is, I apprehend, the condition of both these unsecured cultivators (whether they are called "Purakudies" or "Panniyals") to which the Government of India allude. They are all "actual cultivators," whose condition is only more or less precarious. The superior class of purakudies are probably not worse off here than elsewhere, but even they have no reasonable assurance "as to the fruits of their industry;" and the others, though not, I dare say, in a much worse position than agricultural laborers in many other countries, have absolutely no such assurance whatever.

3. The real question seems to me to be whether the land of the mirasidars in this district is not being cultivated too much on the day-laborer system, instead of on the sharing system. I think it is; though I am quite aware that, *with a good landlord*, the condition of day-laborers may be far better than that of sub-ryots enjoying a fixed share of the crop.

4. The fact is that the bulk of the real agricultural laborers of this district ("Panniyals") are not really free agents at all; and it is not the case, I think, that they "resort freely to emigration when hard pressed." On the contrary, I have the authority of the Court of Wards for saying that they have been reduced to a condition which "savours strongly of bondage,"* and that special precautions are taken to make it impossible for them to emigrate.

* Court's Proceedings, No. 2203, dated 31st July 1883, paragraph 32.

5. I have already brought the condition of the "actual cultivator" prominently to notice in a report on a crop experiment made last year to the Director of Revenue Settlement and Agriculture, dated 5th May 1884, No. 2491, in paragraph 3 of which I wrote as follows :—

"It is difficult to understand how such land as that on which this experiment was tried can be made to pay *rent* (exclusive of the assessment) at all; and the fact that it does shows clearly in what an abject state of poverty the actual cultivators are kept by their masters, the mirasidars. They are, in fact (as recently observed by the Board), in a state "savouring strongly of bondage," but (like slaves elsewhere) they are not so wretched as might be expected. They have few cares, plenty of work and generally just enough to eat, so that they enjoy excellent

health on the whole and are said to be less subject to venereal diseases than their masters. The system, however, is not, in my opinion, conducive to the efficient cultivation of the country; either the actual cultivators have not a sufficient interest in the crop, or the mirasidars are less enterprising than in Tinnevelly."

6. When, however, I am asked to suggest "remedial measures," the problem seems almost hopeless of solution, and I have never satisfied myself that I could make any suggestion at all likely to be carried into effect. But as I am called upon to report, I will state what I think ought to be done, if possible. After all, my proposals do not go much further than those of the Honorable Mr. Justice Cunningham which are published in the *Gazette of India* of the 24th January.

7. It will, I believe, be generally admitted—at any rate in Madras—that originally the produce of the land in India was shared between two parties only—the Government and the "actual cultivator" (see Mr. A. D. Campbell's paper, page 749 of Volume II Reprint of the fifth Report); and that to certain persons, Zemindars and the like, Government made over their share from time to time on certain conditions specified (with more or less obscurity and vacillation) in various Acts and Regulations, one of which conditions generally was that they should "treat their ryots with tenderness." But no such settlement was made with the ordinary ryotwari proprietors (mirasidars, as they call themselves here), partly, perhaps, because in most parts of the country they were then the "actual cultivators" themselves (paragraph 8 of G.O., No. 437, dated 29th April 1882, in which the same view is expressed), and it was not observed that many of them had become great landlords (often Brahmans, who are scarcely ever the actual cultivators and often non resident), who let out their land to sub-ryots who are really tenants-at-will, though perhaps not often mere farm laborers or serfs.

8. In the order quoted above, the Government observed that it was quite out of the question to confer on the person who actually holds the plough or personally labors on cultivation operations anything like occupancy rights without expropriating the landowners and destroying, or at least materially injuring, all property in land.

9. Now I have no desire to suggest anything revolutionary or anything calculated to reduce the value of any man's undoubted property, but I do think that the "actual cultivator," who in this district at any rate has long since relieved the original party to the contract with Government of all manual labor, does deserve more consideration than he has received hitherto; and that while the status of all others interested in the land is being settled, the interests of the man to whose labor so much is due ought not to be entirely neglected. Any scheme for compensating the landowners seems impracticable and unnecessary for the reasons stated by Mr. Justice Cunningham in paragraph 34. It is not intended to deprive them of their rights, but only to settle them on a permanent basis; and it is as much to their interests (*sua si bona norcent*) "as to that of Government to have a prosperous, contented and *substantial* tenantry."

10. The tendency of enlightened legislation everywhere is to secure to the "actual cultivator" the due reward of his labor and to give him at least a chance of rising in the social scale. This object has been accomplished in various ways in various countries, and it need not be supposed because the permanent settlement in Bengal has failed to secure it, that it was necessarily a foolish settlement. Considering what he was himself, it was not at all unreasonable for Lord Cornwallis to believe that by the creation of landlords of the English type, the cultivators of the soil would be placed in more comfortable circumstances than by any other settlement that could then be made. If the landlords created by him had proved themselves as humane and liberal as he evidently expected they would be, no better plan for the peaceable and prosperous settlement of the country could have been devised; but if they failed in their duty and if one result of the permanent settlement has been to reduce the actual "cultivators" of the soil to something very like serfdom at least, if not actual slavery, it is plainly the duty of the Government to intervene and rectify, if possible, the error they committed in giving their landlords too absolute an authority. At the present day, at any rate, the English law will not permit slavery in any form; and if it is found that landholders anywhere have succeeded in evading the distinct provisions of the law and have reduced their cultivating classes to a condition which, as the Court of Wards

say, "savours strongly of bondage," it is surely the duty of Government to interfere on behalf of "the poor and needy and them that have no (other) helper." *How* they are to interfere is the great problem of the day which is to be solved in Bengal by the much abused "Tenancy Bill," and elsewhere it may be in many different ways. In Madras Zemindaries, perhaps the simplest remedy would be to declare that the so-called tenant is really a "peasant proprietor" like the Government ryot, and is only bound to pay a fixed share of the produce (commuted or not) to the Zemindar; but with the cultivating classes employed under the ordinary ryotwari proprietor the case is different, and nothing has ever been done to secure to them the fruits of their industry; so that at the present time in districts where the right of the landholder is absolute, as in Malabar and Tanjore, we have the highest authority for saying that the "actual cultivator" has already been reduced to a condition differing only in name from slavery or serfdom.

11. It is therefore, in my opinion, fast becoming a serious question whether the minimum share of the produce to be allowed him should not be fixed by law in the case of all land. I should be inclined to go even further and say that the amount of the proprietor's share (Melwaram) should be fixed once for all on each field, so that in future any one cultivating that field would be assured of enjoying the fruits of any extra labour he might expend upon it; but always with the proviso that the "actual cultivator" should never have less than a fixed share of the produce, so that there might be a limit to sub-letting. This would effect a permanent settlement for the ryotwari land similar to that enjoyed by zemindari ryots in dealing with their landlords. All the reasonable demands of the "ryot proprietor" might be met by a provision to the effect that the proprietor's share (Melwaram) might be increased on account of any permanent improvement made at the expense of the proprietor (or jointly at the expense of the proprietor and cultivator) *with the prior consent of the Collector* or other officer appointed in that behalf.

12. To assess the amount leviable from the "actual cultivator" on each field in the country would only be a logical extension of the principle which underlies the common law of this country, viz., that the whole produce is divisible between the Government and the "actual cultivator;" and if by reason of the lightness of the assessment or any other circumstances, the ryot who holds direct from Government has succeeded in making for himself a valuable property out of his land and has made himself into a sort of rent-charger or zemindar, that is no reason why the "actual cultivator" should not be protected in his rights as it was always intended he should be (Bengal Regulation I of 1793, Section 8, see also Section 250 *et seq.* of Mr. Field's "Landholding" from which it appears that so early as 1776, the Governor-General was fully impressed with the importance of securing to the ryots the *perpetual and undisturbed possession of the lands* and protecting them from arbitrary exactions of farmers as well as Zemindars). It should not be supposed, because the Government have not yet thought it necessary to intervene between the ryot-proprietor and his cultivating tenants, that they have no right to do so; on the contrary, it has always been their clearly expressed determination to intervene whenever it should be thought necessary. It was in order to fix the demand of the Zemindars on the cultivators that the Court of Directors thought it so important to fix the demand of the Government on the Zemindars (see page 756 of the 2nd Volume quoted above); but now in Bengal (as observed by Mr. Campbell, page 760), "the cultivator, whose payment was the only one limited by the despotic sovereigns who preceded us in the government of India, is the only individual whose payment the Government have left undefined," and is therefore, to all intents and purposes, a serf with scarcely any rights at all.

13. The only proper "subject of dispute between *Melwarandar* and *Kudiwarandar* (superior and inferior landholder) is the *quantum* payable by the latter to the former" (page 778.) "It has been justly observed that by simply defining that *quantum* and thus satisfactorily adjusting all disputes between either Government or their representative and the numerous minor classes connected with agriculture, a good revenue settlement tends more to promote order, to preserve harmony and to check litigation and crime amongst all ranks of society in India than the whole code of laws or all the tribunals established to administer them" (page 781.)

14. As to the position of Government in the matter, Mr. Campbell says: "The right of Government to interfere between the Zemindar and the cultivator to define the *quantum* so payable is unquestionable." It is not only founded on the ancient common law of India, but was clearly reserved at the period of the permanent settlement (page 781). This view is asserted with great force in the minute of the Honorable Mr. Justice Cunningham referred to above, to which, as strongly corroborating the position I am attempting to establish, I request that reference may be made.

15. As observed by the Board many years later, the ryotwari settlement was, in fact, a permanent settlement of the most beneficial character, because it was made with the actual owners of the soil, no matter how small the holdings of some of them might be; but it is necessary now to take care lest in permanently settling the ryotwari land, we have only created a fresh set of Zemindars without any of the checks which our imperfect legislation has succeeded in imposing on the Zemindars of the permanent settlement.

16. We may take a hint in this matter (as in many others) from the practice of the French in India, who provided, so far back as 1788, that the mirasidars should enter into engagements with the "*Soushabitant*," who is also styled "cultivator," and that his share should in no case whatever be less than 25 per cent (Mr. Campbell's report on the settlement of Tanjore, dated 2nd January 1828, paragraph 13). It will be observed from the following paragraph of the same report that the Danes also were much more careful than we have ever been in defining the rights and duties of a ryot in what Mr. Campbell calls the "puttah" given by them. It will also be seen from paragraph 17 that Mr. Harris actually assigned a fixed percentage to the under cultivators or purakudies, allowing them as much as $26\frac{1}{2}$ to 35 per cent. of the gross produce, "their interests being (as the French Government also thought) paramount as producing all the food and property of the country."

17. Mr. Campbell, in paragraph 53 of the letter quoted above, states that, in his opinion, "the mirasidar (landholder) of Tanjore holds his land on the double tenure of paying to the Government its revenue in money, and to the purakudi ('actual cultivator' or *Soushabitant*) his share in kind, the maximum of which with us, as with the French Government, has been clearly defined, liable to alteration only by written contract between the parties;" and I believe it is the "common law" of Madras that everyone concerned in the cultivation of a field is entitled to a share in the produce, and cannot, legally at any rate, be reduced to a "condition savouring of bondage."

18. This was also the principle adopted by the Bengal Rent Commission (1880), viz., that such a share "should be left to the *cultivator of the soil* as will enable him to carry on the cultivation, *to live in reasonable comfort* and to participate to a reasonable extent in the progress and improving (increasing?) prosperity of his native land;" and in the draft bill prepared by the same Commission, the highest rent eligible from an "occupancy ryot" was limited to $\frac{1}{4}$th of the average annual value of the gross produce (Field, page 50, notes 7 and 8).

19. Whether it is possible that any such settlement as I have suggested could be carried out, I leave it to Government to decide; but that some remedial measures are necessary must, I think, be admitted, for the present system of bondage can hardly be seriously defended.

20. All I am concerned to prove is that (in the words of Mr. Justice Cunningham) "the special circumstances of Tanjore are such as, if uncounteracted, to ensure the degradation and misery incidental to a redundant agricultural population crowding on the soil, and, *secondly*, that Government has a right to interfere for their protection and is bound to exercise that right."

21. Mr. Cunningham speaks with astonishment of a population of 800 to the square mile, which is much less than the average of the whole Tanjore delta, if the undeveloped taluk of Tiruturaipúndi is excluded; and our population may also be said to be "exclusively agricultural" (though it might not appear to be so from the census report). We have therefore much the same economic conditions as in Bengal —a country which Tanjore probably resembles more closely than any other district in

this Presidency. In fact "society seems to be fast reaching the stage described by Mr. Mill, where he says—'As the land is a fixed quantity while population has an unlimited power of increase, unless something checks that increase, the competition for land soon forces up the rent to the highest point consistent with keeping the population alive. The effects, therefore, of a cottier system depend on the extent to which the capacity of the population to increase is controlled by custom, individual prudence or by starvation and disease.'" Up to this time we have tried only the last two checks. The circumstances of the Tanjore cultivator render prudence impossible and custom is entirely against it.

22. r. Venkasami Row, in an elaborate calculation (page 393 of the Manual), shows that the population in 1871 must have consumed all the food grains except about 1 5,000 tons, even though he allows them only a very bare subsistence. At the same rate, the population in 1881 would leave less than 80,000 tons for export, worth just about enough to pay the revenue. It may be said, however, that the produce should be divided amongst those actually engaged in raising it and living on it; and that p ns ners and outsiders of all sorts should be regarded as customers of the ryot just as much as foreigners are. I can hardly suppose that the number of su o pensioners, &c., can exceed the 130,000 by which number the population now exceeds two millions, so that we may assume that the population which actually lives on the land is at least 2,000,000, which is very nearly the figure adopted by Mr. Venkasami Row for his calculation.

23. There would seem, therefore, to be no great surplus for the accumulation of wealth, because the export of other produce is really very insignificant; and other facts point, I think, to the conclusion that the great bulk of the population is not (as is commonly supposed) by any means wealthy. Taking the figures of the Board (which are, however, no doubt, very unreliable, and, in fact, necessarily wrong owing to the plan on which they are compiled), we have 190 puttadars paying over Rs. 1,000 a year to Government as revenue; or an average of Rs. 1,423; and assuming that the landholders' share (Melwaram) is equal on the average to twice the assessment, (which is, I believe, a very liberal estimate), the average net income of the 190 wealthiest landed proprietors would be £284 a year.

24. There is yet another test that may be applied where we have as a guide actual figures for some years. There are now under the Court of Wards five Ryotwari Estates with gross incomes ranging from Rs. 5,194 to Rs. 77,869, which may reasonably be taken as a sample of the whole district. The following statement will show that some of them are so extremely embarrassed, that it has been found absolutely necessary to sell parts of them to save the remainder, and that the net income after paying ordinary costs of management, &c., averages only about twice the assessment:—

STATEMENT showing the condition of the Ryotwari Estates under the management of the Court of Wards in the Tanjore District at the close of Fasli 1293.

Names of Estates.	Gross Income of Fasli 1293.	Cost of Establishment, &c., and Cultivation Expenses.	Net Income of Fasli 1293.	Government Assessment.	Debts due to the Estate on 31st December 1884.	Debts due by the Estate on 31st December 1884.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Yadalpathimangalam	77,869	26,586	51,283	21,927	98,778	47,672
2. Ukkadai	* 18,885	5,415	12,470	9,772	19,163	70,950
3. Mathur	† 10,595	3,691	7,004	3,416	2,377	2,875
4. Alangudicheri	7,672	1,883	5,789	2,500	20,673	2,399
5. Velangarni	5,194	110	5,084	1,760	..	2,629
Total ..	1,20,215	38,535	81,630	39,015	1,40,991	1,35,525
Average ..	24,043	7,717	16,326	7,803	28,198	27,105

* Excludes value realized by sale of jewels, &c. † Excludes value realized by sale of lands.

25. It appears to be the great object of landlords almost everywhere to prevent the growth of occupancy rights: it is, I think, one of the primary objects of Government to encourage it.

26. Government is equally bound to protect *every* class of cultivators—not those only who may have been firmly established 100 years ago; it is bound, in fact, to see that the best custom of the country is adhered to, and that, on the whole, is the sharing system. It is, at any rate, contrary to good policy (to say nothing of higher principles) to allow the land to be cultivated by creatures who live like animals in a state of bondage and the most primitive barbarism.

READ—the following letter from R. C. NARAYANASAMI, Deputy Collector of Pattukóta Division, to the Collector of Tanjore, dated 26th February 1885:—

With reference to your foot-note, No. 251, of the 16th January 1885, I beg to state that the agricultural population of the district might be classed under the following heads:—

(1) The proprietors of the soil paying revenue direct to Government, including the mirasidars of the Taraf, Shrotriem and Inam, &c., villages and also the Zemindars.

(2) The persons having a saleable interest in the land as tenants, *i.e.*, those who possess right to a share in the proprietor's share of the crops and divide waram with them. These are called kudies. This class of peasantry will be met with only in the Zemindari and Inam and Shrotriem villages which are lightly assessed by Government.

(3) Persons who have no occupancy right in the soil, but cultivate lands by virtue of lease deeds obtained from the two classes of persons above described.

(4) Persons who are mere agricultural laborers without possessing any sort of right in the soil. Under this group fall both purakudies and panniyals. The difference between these being only as observed by the Government that porakudies are paid their hire at some settled rate of share in the crop, while the panniyals—originally slaves attached to the soil—are paid cooly at daily rates. Now so far as this division is concerned, the lands of the taluk being unlike those of other taluks of the district and unirrigated, and the chances of realizing fairly good crops being entirely dependant on the vicissitudes of the season, all the ordinary proprietors and tenants prefer to exert their best and cultivate the lands themselves generally without either leasing out the lands or engaging panniyals. The tenants generally get half waram for nanjei and two-thirds waram for punja crops The bulk of the land-owners of this division are very petty mirasidars. The general condition of these ryots and of the tenants is far from being in any way good and satisfactory.

Endorsement by J. B. PENNINGTON, Esq., Collector of Tanjore, dated 7th March 1885, No. 1255.

Submitted for the information of the Board and Government, in continuation of this office letter, No. 1216, dated 5th instant.

READ—the following letter from KRISHTNASAMY IYER, Deputy Collector of Tanjore Division, to the Collector of Tanjore, dated Senghipatti, 21st March 1885, No. A:—

Adverting to your endorsement, No. 251, dated 16th January last, on Government Order, dated 8th December 1884, Nos. 1364 and 1364A, regarding the Revenue Settlement of Tanjore, I have the honor to report that the ryot-puttadars of Tanjore are not generally the cultivating tenants; that the cultivation is carried on either by panniyals (hired laborers) or porakudies (a sort of tenants), and that there are no regular tenants under the Tanjore mirasidars as under the Zemindars.

2. As observed by Government, the panniyals get daily grain wages from the mirasidars. They also receive small presents in kind and cash on occasions of marriage, child-birth, deaths, Pongal and other festivals They are allowed Kalavadi (the privilege of collecting and enjoying the grain spilt on the threshing floor). The mirasidars further provide the panniyals, free of rent, house-sites with backyards for their occupation and enjoyment, and give them loans of money without interest and land to build their houses, &c.

3. The porakudies are of two classes—

I. Those who, being themselves petty ryots or puttadars, cultivate the lands of the other richer mirasidars in addition to their own.

II. Those who, not holding lands of their own, cultivate only the lands of their mirasidars.

The porakudies are also allowed house-sites and back yards free of rent. But they provide themselves with seeds and ploughing stock and get waram (a share of the produce for cultivating the land).

4. In the good old times, the panniyals were actual slaves and the porakudies more obedient to the mirasidars. But owing to advancement of civilization and litigation, the mirasidars are now-a-days more annoyed by porakudies and panniyals than the latter by the former. The mirasidars are, therefore, now in the habit of taking bonds from panniyals for moneys lent to them, and deeds of rent from them and the porakudies for house-sites, as the latter claim ownership thereto by reason of long enjoyment. The panniyals and purakudies are in these days at full liberty to resort to emigration whenever they like, and do what they please. They are, I believe, as happy as they could be, and their status is not such as requires any remedial measures to put them in a better condition than they are at present.

5. There is also the leasing or sub-letting system very common in the ryotwari villages of Tanjore, as observed by the Government of India; the lease is given only for stated periods and for specified amounts in kind or money on execution of the necessary deeds of lease, &c.

The renters or lessees have no tenancy right to the land, and the method of cultivation adopted by them is similar to what the mirasidar himself would have otherwise adopted.

Endorsement by J. B. PENNINGTON, Esq., Collector of Tanjore, dated Pangal, 30th March 1885, No. 1965.

Submitted for the information of the Board, in continuation of this office letters, Nos. 1216 and 1255, dated 5th March and 7th March 1885, respectively.

READ—also the following letter from P. W. MOORE, Esq., Acting Sub-Collector, to the Collector of Tanjore, dated Shiyáli 10th March 1885, No. 247:—

With reference to your foot-note, No. 251, dated 16th January last, I have the honor to forward herewith the reports of the Tahsildars of my division (to be kindly returned).

2. It seems to me that none of the Porakudies of this district can fairly be called sub-tenants. In so far as any of them hold lands in their own names, they are tenants directly under Government. The great majority of them, however, do not hold any lands in this way, but cultivate under mirassidars, receiving a share of the produce, which varies from 18 to 33 per cent. on the gross outturn, the mirassidars either defraying all village charges, or allowing a certain additional amount of paddy, called *Kalavadi*, to the Porakudies therefor. As appears from the Kumbakónam Tahsildar's report, the mirassidars can at any time dispense with their services, and they are at liberty at any time to cease to work under the mirassidars. They are therefore mere laborers.

3. The Tahsildars are unanimous in their opinion that the condition of the Porakudies and Panniyals is not bad, and that no special interference by Government is needed on their behalf.

4. From inquiries I have made, I am led to believe that in many cases the Mirasidars are abandoning the Porakudi system and engaging Panniyals. The latter system prevents all disputes as to rates of waram. I have no doubt that the Porakudi system would generally be abandoned were it not that in many cases it is difficult to procure Panniyals. Therefore, the demand for the latter being great and the supply small, it may be expected that their condition will improve.

5. The delay in sending this report is due to the non-receipt of the reports from the Tahsildars, the last of which was received only yesterday.

ENCLOSURE No. 1.

From N. KRISHNA AIYANGAR, Tahsildar of Máyavaram, to the Sub-Collector of Tanjore, dated 15th February 1885.

With reference to your honor's endorsement order, No. 251, dated 4th instant, on Board's Proceedings, Mis. No. 12145, dated 22nd December 1884, directing me to report about the condition of the sub-tenants of the Mirasidars, I beg to report as follows.

2. In paragraph 2 of the order, dated 8th December 1884, No. 1364, Revenue, sub-tenants are classed under two heads, *viz* porakudies and pannaiyals. The former again are divided into two kinds, namely, (1) those who also hold and cultivate land in their own names and who are alone entitled to so called sub-tenants, and (2) the porakudies, who are mere laborers, and I beg to report about their income as follows.

3. The porakudies get a share of the produce as "waram" which varies from ⅓ to ¼ of the quantity harvested. They also get some extra remuneration of 1½ or 2 measures of paddy as "kalavady." Further an extent of land varying from 75 to 100 gulies are assigned to them for every 15 vasls of land as manium which will yield about 7 to 10 kalams of paddy.

4. The pannaiyals or daily laborers get wages ranging from 2 to 4 measures of paddy per diem. A "kalavady" of 1½ to 2 measures of paddy is also given to them. They occasionally get presents from their masters for such feasts as pongal, deepavaly, &c. In some places, their masters give them annually about a rupee and-a-half for purchasing cloth. An extent of about 50 to 75 gulies are allowed to these men also as manium, which may yield about 7 kalams of paddy. When they have no work to do under their masters, they work elsewhere, when they get wages in kind, which varies from 2 to 4 measures or about 2 to 3 annas in cash.

5. The condition of the porakudies and pannaiyals does not call for any remedial measures, as nothing wrong is now being done to them.

ENCLOSURE No. 2.

From T. V. NARAIYANASAW II, Tahsildar of Shiyáli, to the Sub-Collector of Tanjore, dated 8th March 1885, No. 103.

With reference to the papers noted in the margin, I beg to report that the condition of the sub-tenants of the Mirasidars of Tanjore does not call for any interference in their behalf on the part of Government. There are two sets of cultivators, porakudies and pannaiyals. The former provides the required seed and plough-ing stock, and in consideration of this and the labor spent on cultivation, he receives certain share of the outturn whatever it may be, the share varying in different parts from 18 to 33 per cent., besides remuneration for customary village labor and manuring. Their condition is not bad. As regards the latter their condition is only the same as that of agricultural laborers in the northern districts. They get daily grain wages without reference to price, are provided with house and advances on account of marriages and presents on the occasions of birth and death, and freely take to emigration if hard pressed.

Endorsement, dated 4th February 1885, on the endorsement of the Collector, dated 16th January 1885, appended to the copy of Proceedings of the Board of Revenue, dated 22nd December 1884, Mis. No. 12145.

ENCLOSURE No. 3.

From the Tahsildar of Kumbakónam, No. 120, dated 18th February 1885.

Your footnote of the 4th instant on Board's Proceedings, Mis. No. 12145, dated 22nd December 1884, has been received and passed on to the Máyavaram Tahsildar in circulation.

2. The lands in this taluk are the property of the puttadars. About 2,000 of these cultivate the lands themselves and the rest by means of pannaiyals or porakudies. The latter class of men take out the lands from the puttadars and cultivate them upon condition of receiving the usual waram which has been fixed for each village at the rate of 20, 25 or 30 per cent. of the produce. They would also obtain from the puttadars money for purchasing the ploughing cattle and paddy for expenses of cultivation. The paddy which they receive in advance on account of expenses will be adjusted out of the waram due to them. If the puttadars dispense with their services, they should repay any amounts that they might have borrowed from them. If they fail to do so, the only means left to the puttadars for recovering them is to resort to the Civil Courts. These are called *porakudies*. They have no interest at all in the land. The porakudies themselves may cultivate as long as they please and may give it up as they will.

3. The pannaiyals are also cultivators. The puttadars lend them some money or get them married and keep them in service. They take daily wages for their labor and cultivate the lands. Their services also can be dispensed with at the will of either party. If one puttadar dispenses with the services of any pannaiyal he would take up service under another. The pannaiyals may go anywhere they please and there is no restriction placed upon them. These have also no kind of interest whatever in the land. There is no harm or inconvenience in the present practice of having the puttadars' lands cultivated by means of porakudies and pannaiyals.

(True Translation.)

(Signed) J. B. PENNINGTON,
Collector.

Endorsement by J. B. PENNINGTON, Esq., Collector of Tanjore, dated Vallam, 2nd April 1885, No. 2044.

Submitted for the information of the Board and Government in continuation of this office letter, No. 1216, and footnote No. 1255, dated 5th and 7th March 1885, respectively.

2. There is a curious difference in the opinions expressed by the Tahsildars of this division and by Mr. Narainsami Nayudu, Temporary Deputy Collector, who is also a Tahsildar of great experience in this district.

READ—also the following G.O., dated 6th June 1885, Mis. No. 2882, Revenue;—

ABSTRACT.—Communicating letter from the Government of India Revenue and Agricultural Department requesting an early reply to their communication regarding the condition of sub-tenants of the mirassidars of Tanjore with the request that the submission of the report therein called for may be expedited.

RESOLUTION—dated 13th July 1885, No. 2074.

In the first of the letters above read, the Collector of Tanjore furnishes the report called for by Government in G.O., dated 8th December 1884, No. 1364, regarding the condition of the sub-tenants of the mirassidars in that district. The other papers contain the reports of the Divisional officers on the same subject.

2. It appears that the Government of India had been led by the replies of the Board to the questions of the Famine Commissioners printed at pages 359 and 419 of the Appendix to their report—Evidence, Volume III—to believe that subletting was very common among the mirassidars of Tanjore, and that the real cultivators of the soil were reduced to abject poverty. They accordingly desired to be informed to what extent the information furnished by the Board was correct, and directed that the subject should receive attention when making inquiries in connection with the forthcoming settlement of the district, and should be specially noticed in the settlement officer's report.

3. The passages referred to by the Government of India in the Board's replies to the questions of the Famine Commissioners had reference to the condition of the porakudis of the mirassidars, and the Madras Government have already pointed out that a distinction must be made between porakudis who also hold and cultivate lands in their own names and who alone are entitled to be called sub-tenants, and the porakudis who are mere laborers; that the condition of the former is not specially unfavorable; that the latter class are not worse off than agricultural laborers elsewhere and resort to emigration when hard pressed; and that the only difference between them and the class of pannials (farm laborers) is that the pannial gets daily grain wages and the porakudi a share of the crop. The Board believe that the description given by Government is substantially accurate, and accords with the opinion expressed by them at page 428 of the Appendix—Evidence, Volume III—to the Famine Commissioners' Report.

4. Mr. Pennington begins his report by stating that he has not had time for making any special inquiries in connection with the question referred to him, but that

having devoted a good deal of attention to it in a general way, he is in a position to submit his views regarding it. He admits that there is a distinction between porakudis who are tenants (of a sort) and the porakudis and pannials who are nothing but day laborers, but considers that it is the condition of both these unsecured cultivators that is referred to by the Government of India, as they are all actual cultivators whose condition is more or less precarious; that the superior class of porakudis are probably not worse off here than elsewhere, but even they have "no reasonable assurance as to the fruits of their industry"; and that the others, though not in a much worse position than agricultural laborers in many other countries, "have absolutely no such assurance whatever." He adds that the real question is whether the land of the mirassidars is not being cultivated too much on the day labor instead of on the sharing system; that the bulk of agricultural laborers (pannials) are not really free agents at all, and do not resort to emigration when hard pressed; that they have been reduced by the mirassidars "to a condition which strongly savours of bondage"; and that special precautions are taken to make it impossible for them to emigrate. He, however, further on states that the condition of these agricultural laborers like that of slaves elsewhere is not so wretched as might be expected; that they have few cares, plenty of work and generally just enough to eat so that they enjoy excellent health on the whole, but that nevertheless the system does not conduce to the efficient cultivation of the country as the actual cultivators have not a sufficient interest in the crop and the mirassidars are less enterprising than in Tinnevelly.

5. The Board are of opinion that Mr. Pennington's somewhat inconsistent statements are based on a series of fundamental misconceptions. It seems to them that throughout his report he ignores the distinction between tenant farmers and farm laborers, the tenant farmers being persons who undertake the cultivation of land paying rent to the proprietor for the use of it and defraying all the expenses of cultivation, and the farm laborers the servants hired by them. It is doubtless true that "the tendency of enlightened legislation" is to encourage the application of capital to the improvement of land and to increase the food production of the country by giving the tenant farmer fixity of tenure if he can be shown to have by the traditional usage of the country an interest in the land, though not fully protected by law, and in any case a right, when ejected, to be compensated for any improvements he might have effected, and of which he has not either wholly or in part reaped the benefit; but nowhere has it been found possible to regulate the wages payable to the farm servant. The status of mirassidars in the Tanjore District, who are mostly small holders, more than half of them paying less than Rs. 10 as assessment to Government, differs in no respect from that of ryots in other districts, who, as defined by the Board in 1818, constitute "the class of cultivators who employ, superintend, and sometimes assist the laborer, and who are everywhere the farmers of the country and the creators and payers of the public revenue." The mirassidar-ryot, except when he sublets his land, is farmer as well as proprietor, and cultivates his holding either under the pannei or porakudi system. When the land is cultivated under the pannei system, the mirassidar-ryot superintends the work of the pannials in the minutest detail, paying them daily wages, and often works in the fields himself. In cases in which the porakudi system of cultivation is adopted, the porakudi or laborer is remunerated by a share of the crop instead of by daily wages, on condition of finding the seed-grain and employing his own ploughing cattle and agricultural implements. The ordinary porakudi cultivation therefore is not a case of subletting any more than pannei cultivation. The land remains in the possession of the ryot, who pays the taxes, bears the expenses of farm repairs, clearance of irrigation channels, manuring the fields and lowering them, and who reaps the produce with the assistance of the porakudis, to whom he pays special wages for this work over and above the warum or share of the crop set apart as remuneration for cultivating the land. As pointed out by Mr. Wallace, the Collector of Tanjore in 1805 (*vide* collection of "Papers on Mirassi Right"), "although the mirassidars, in employing either class of porakudis, renounce all interference in the actual business of tillage, it is not to be considered that they neglect the management of their lands. On the contrary, they superintend and direct the labors of the porakudis

Number of puttas for less than Rs. 10.	86,603
Total number of puttas	152,381

in all the particulars of rural economy. Their engagements with porakudis are not for a fixed quantity of grain or a determinate sum of money. The porakudis have an active interest in cultivating the lands of the mirassidars in the most beneficial manner possible, as a fixed proportion of the produce is the only remuneration which they have to look to for their labors. This proportion varies in different villages. It is not anywhere less than 22 per cent. of the gross produce, nor more than 30." This arrangement exactly answers the purposes of an industrial partnership between the laborer and the farmer, recommended by political economists as being calculated to call forth the activity and intelligence of the laborer to the advantage of both. It is therefore a mistake to state, as Mr. Pennington has done, that porakudis and pannials, whom he admits are only hired laborers, "have no assurance as to the fruits of their industry." The wages they get is the remuneration for their labor, and there is no question in their case of compensation for improvements, for improvements are effected at the mirassidar's expense. What Mr. Pennington means probably is that the rate of wages in force is insufficient to maintain the laborer in decent comfort, though elsewhere he admits that he "has plenty of work and enjoys excellent health." This view of the case simply opens up the socialist question of "the claims of labor" as against "capital," and no means, consistent with the maintenance of private property that the Board are aware of, have been devised for keeping wages at a high level when natural influences, such as the pressure of population on the means of subsistence and the absence of habits of prudence among the working classes, tend to lower them.

6. Mr. Pennington's citation of the authority of the Board in their capacity of Court of Wards for the statement that the mirassidars have reduced the porakudis "to a condition savouring strongly of bondage" is misleading. The circumstances under which the Court of Wards made the remark were these:—The Collector of Tanjore (Mr. H. E. Stokes) in 1883, in his report on Wards' estates in that district, stated, in respect of one estate, that the larger portion of the debts due to it consisted of advances made to porakudis which were irrecoverable, but that the amounts should nevertheless be retained in the accounts to prevent their leaving the service of the estate. The Court of Wards, not approving of this arrangement, refused to sanction it, remarking that it savoured strongly of bondage limited by the law of limitation, and ordered the Collector to recover at once all such sums as could be recovered and clear the accounts of the rest which were practically fictitious entries. The remark was probably too strong even in the circumstances of the particular case, and the Court of Wards did not certainly intend by it to characterize the condition of laborers generally throughout the Tanjore District as one of bondage. It is true that at the end of the last century the pannials in Tanjore District as elsewhere were predial slaves, but under the operation of British laws not a vestige of slavery now remains, and the laborers are free to dispose of their labor on the best terms obtainable. Mr. Pennington's assertion that laborers are not "free agents at all" in any but a metaphorical sense is contradicted by the statements contained in the reports of all his Divisional officers, and the Board are of opinion that he should not have committed himself to so serious and misleading a statement without sufficient inquiry. Mr. Pennington also points to the fact of ryotwari land paying rent at all to the ryot in addition to the Government assessment, as conclusively showing that the laborers are kept in an abject state of poverty, overlooking the fact that the Government do not profess to take the whole of the economic rent as their revenue; for if they did the ryots' property would have little or no value, while the object of fiscal reforms from the days of Sir Thomas Munro has been to render it valuable. Mr. Pennington's argument in fact amounts to this that after paying the Government revenue there ought to be nothing left for rent, and that all the balance of profit should go to the farm laborer, forgetting that such an arrangement would at once result in the farm laborer employing somebody to work under him and turning himself into a rent-receiver.

7. Mr. Pennington's proposal to improve the position of the porakudi is to fix at the settlement in regard to each field the quantity of produce representing what he calls the melvaram (but which is really the kudivaram) of the mirassidar-ryot, so that any one cultivating the land may after paying it be assured of enjoying the fruits of any extra labor he might bestow upon it, but always with the proviso that the

porakudi should never have less than a fixed share of the produce "so that there might be a limit to subletting." (Probably what is meant is a limit to the rent taken from the under-tenant, but as already pointed out ordinary porakudi cultivation is not a case of subletting at all). If the ryot makes any improvements to the land at his own expense, his share is to be increased on that account. It is not stated whether pannei cultivation is to be prohibited; if it is to be, the prohibition would clearly be an unwarrantable interference with the liberty of the ryot to cultivate the land himself with the aid of laborers when he could not do it efficiently without assistance, and if it is not, any artificial restrictions placed on the share of the ryots now settled by usage and the conditions of the labor market must necessarily have the effect of driving the mirassidar-ryots to adopt the pannei system of cultivation—a result which Mr. Pennington himself very much deprecates. So long as the ryot is allowed the liberty of selecting any one he likes as porakudi to cultivate the land for him—and Mr. Pennington expressly disclaims all intention of confiscating the rights of the ryot and conferring on the porakudi who cultivates for the moment a permanent occupancy right in the land—any attempt to regulate by law the waram payable to the porakudi is tantamount to fixing his wages, and as such must obviously fail except when the rates authoritatively fixed conform to the prevailing rates settled by usage or competition, and in that case any such authoritative settlement will be entirely unnecessary. It is moreover not shown that the rates of porakudi waram or share of the crop taken by the porakudi is lower than it ought to be, or that there is any tendency to diminution in regard to it in recent years. On the contrary, comparing the rates mentioned in the passage quoted from Mr. Wallace's report in 1805 with those now in force, there appears to have been little, if any, variation in the rates since the beginning of the century. In the delta taluks of the district, the porakudi, on an average, is allowed a waram of 25 per cent. of the gross produce, $4\frac{1}{6}$ per cent. for reaping, $3\frac{1}{3}$ per cent. for threshing, or $32\frac{1}{3}$ per cent. in all, besides rent-free house-sites and occasional advances of money without interest (*vide* pages 381,—6 of the Tanjore District Manual). The Government share of the gross produce is about 47 per cent., and this and the porakudi's remuneration, $32\frac{1}{3}$ per cent. as above shown, being deducted, there is left for the mirassidar about 20 or 21 per cent., from which he has to meet the expenses of farm repairs, manuring, kudimaramat and permanent improvements, local cesses, stamp duty and other expenses incidental to the possession of landed property; and if the ryot in Tanjore is prosperous, it is not because he pays unduly low wages to his laborers, but because the Government share of the produce has been commuted into a money payment at a rate which is less than half the average of the ruling market prices. One result of the proposed limitation of the ryots' waram will be to transfer the duty of effecting improvements to the land from a class which is fairly well-to-do on to a class living from hand to mouth, and which must necessarily resort to money-lenders for meeting even the ordinary expenses of cultivation. It may be that the mirassidars in Tanjore are less enterprising than those in Tinnevelly, although no proof is adduced to show that this is really the case, but the porakudi system is not answerable for this result, for it obtains in Tinnevelly and indeed throughout the whole presidency.

7. Mr. Pennington states that legislation in favor of the porakudi will be in accordance with the common law of the country under which the produce of land is "divisible between the Government and the actual cultivator." The actual cultivator here referred to is evidently the original colonist "who cut away the wood or who first cleared the land and tilled it" and his successors in interest, and not the laborer now hired by him. Mr. Pennington treats the position of a mirassidar as similar to that of a Zemindar, and erroneously calls the share of the produce taken by the former melvaram instead of kudivaram, which it really is. There is no real difference between the status of a mirassidar and that of a ryot as already pointed out, and all declarations made at the time of the permanent settlement in favor of the ryots are entirely inapplicable to porakudis, who, as well as the sub-ryots referred to by Mr. Justice Cunningham in his minute on the Bengal Rent Bill, from which Mr. Pennington largely quotes, have "no historical status whatever." It is also to be noted that in the recent Bengal tenancy legislation, the Zemindar's Khamar land, *i.e.*, land in

which he has both the melvaram and kudivaram right, has been specially excluded from the effect of those provisions of the law which provide for the accrual of tenancy rights.

8. As regards the superior class of porakudis, the Collector has given no information as to their numbers or *status*. The reports of the Divisional officers, however, seem to show that this class does not exist to any appreciable extent. The rights of this class of cultivating tenants came under the consideration of the High Court recently in two cases reported at 5, I.L.R.M., p. 345, and 7, I.L. R.M., p. 374. In the first case after referring to the reports of Colonel Blackburne (1804) and Mr. Wallace (1805) on landed tenures in the Tanjore District, printed at pages 93—96 of the "Papers on Mirassi Right," the High Court decided that a porakudi could acquire a right of permanent occupancy by long occupation, and that in the particular case seventy years' occupation conferred such a right. In the second case, however, they ruled that "porakudis" were *primâ facie* cultivators without occupancy right, and that, even after more than fifty years' continuous occupation, they continued to be tenants-at-will. In both cases the puttas for the lands appear to have been in the name of religious institutions, and the cases were as strong cases as could be made out for recognizing an occupancy right in the porakudis. But without definite information in regard to the extent to which such rights exist, the Board are not prepared to make any proposals for dealing with them. Any proposal for affording legislative protection to porakudis of this description will have to be carefully considered, as *primâ facie* it seems undesirable to create subordinate interests in the kudivaram. Special attention will however be directed to this subject during the new Revenue Settlement of Tanjore and information collected in view to a judgment being formed as to whether any remedial measures are necessary in these cases.

9. As to the question also of subletting, properly so called, on which the Government of India chiefly desired information, the Collector has furnished little or no information. No facts have come to the notice of the Board to show that subletting is practised to any injurious extent in the Tanjore District, and they therefore adhere to the views previously expressed by them and approved by Government in G.O., dated 29th April 1882, No. 437, that any interference with the liberty of the ryots to sublet their lands whenever they are unable to cultivate them themselves is unnecessary, impolitic, and unjust.

(True Copies and Extract.)

Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Collector of Tanjore.

Exd. W. J. Lewis.

REVENUE DEPARTMENT.

1885.

Board of Revenue,

MADRAS.

Printed July th.

Proceedings, 13*th July* 1885, *No.* 2074.

Submitting to Government, with remarks, letters from Collector of Tanjore furnishing the report called for regarding the *condition of the sub-tenants of the mirassidars* of that district.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

are provided in the Buildings
of the Famine Commrs and
to which the Govt from
Public resort. They shall
have use to give a report
until the Numbers entitled
thereto should be under Control
of Govt reserved To
enable you to act accordingly
herewith our Circular as
distinctions are to be observed
between persons employed under
Relief and those afflicted
with Disease, and also a
Return of the Sums
on the Contractors Pay Sheets
This distinction has hereafter
been entirely proved in the
long and often confused
Returns. The Public Hospitals
should open in and shall
with the sanction of Govt
that Time afford to the
Sick Poor resort to the
Hospitals

Brefeuille

Paraphé par la Chambre

1885.

REVENUE AND AGRICULTURAL DEPARTMENT.

From the Government of Fort St. George.

Issued

Recd. *Encl.*

Letter, 29th October 1885, No. 1196.

OCTOBER.

Forwarding Proceedings of this Government concurring in the views expressed by the Board of Revenue regarding the condition of sub-tenants in the Tanjore District.