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MADRAS RECORD OFFICE.

To be kept with the original
Government of Madras.

Revenue DEPARTMENT.

Copy

G.O. No. <u>630</u>	Press -Min-
Dated <u>28. 10</u> 19 <u>48</u>	

Not to be folded or roughly handled

99 yrs leases.

Government (1898) of Madras.
REVENUE

1898. }
Enclosures
Spere copies

G.O., No. 630, 28th October 1898.

OCTOBER.

Ninety-nine Years' Leases.

Approving the instructions issued by the Board of Revenue regarding the procedure to be followed in the disposal of waste lands on the Shevaroy's, the Nilgiris and in the Wynnad, and laying down the principles on which lands held on — should be dealt with in future.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), No. 45, dated 25th February 1898:—

Read—the following G.O., No. 5238, Revenue, dated 7th October 1897:—

Read—the following letter from DENZIL IBBETSON, Esq., c.s.i., Secretary to the Government of India, Department of Revenue and Agriculture—Land Revenue, to the Chief Secretary to the Government of Madras, dated Simla, the 7th September 1897, No. 2070-73-18:—

With reference to the Honourable Mr. Arundel's letter, No. 460, dated 11th September 1896, on the subject of the proposed withdrawal of the power to redeem land revenue in certain special cases, I am directed to forward, for the information of His Excellency the Governor in Council, a copy of a Resolution of this day's date India on the connected questions discussed in paragraphs 2 and 3 of the above-cited letter and in the proceedings of the Government of Madras accompanying it.

2. In paragraph 2 it stated that, in the opinion of the Governor in Council, the system obtaining in respect of assessed waste lands on the Nilgiris and Shevaroy hills and in the Wynad, under which they are sold subject to fixed rates of assessment, should be maintained. His Excellency the Governor in Council is, however, willing that the right to redeem the fixed assessment, which is at present given to the purchaser under the rules, should not be conceded in future sales. For the system obtaining in respect of all unassessed waste lands at the disposal of Government in the Madras Presidency, whereby they are sold in fee simple or free of all demand on the part of the State on account of land revenue, it is stated that the Governor in Council is disposed to substitute a system of sale subject to fixed rates of assessment.

3. Dealing first with the special rules for the sale of assessed waste lands on the Nilgiris and Shevaroy hills and in the Wynad, the Government of India note that, when the question of retaining these rules was discussed in 1883, the chief arguments in favour of their retention were that their terms tended to encourage planting enterprise by giving fixity of land revenue, that the fixed assessment of Rs. 2 an acre was as high a rate as could ever be imposed on hill land with reference to its suitability for ordinary produce, and that the area annually sold under the rules was comparatively small. Since 1883, however, the Government of India have had considerable experience of the working of waste land rules in other parts of India to which European skill and capital have been attracted. They have not found that the fixity of assessment has deterred the extension of planting enterprise in Assam. The condition in the Assam instrument of lease, which limits the assessment to the "payable on the most highly assessed lands in the said district cultivated with rice,

Cf. page 123 of Waste Land Rules of 1892.

pulses, or ordinary agricultural produce," gives, according to the experience of that province, ample assurance to skill and capital. And they prefer such a condition to a fixed assessment, as it secures the State from loss in the event of any serious change in the value of money. The only consideration in favour of retaining the rules at present in force on the Nilgiris and the Shevaroy hills and in the Wynad which appears to the Government of India to have much force is that the areas alienated under them may possibly continue to be

very limited. This, however, is a matter on which there can be no certainty: and the Government of India would prefer to have the fixity of rules which might be safely worked on a large scale. They would be glad if His Excellency the Governor in Council would consider whether the present rules should not be modified to provide for a periodical revision of the revenue, with a maximum limit of assessment similar to that contained in the present rules. Should the Government of Madras adhere to its recommendation that the fixed assessment clause in the rules should not be altered, the condition might be inserted, as in the circular from this department No. 4-733-741 of 10th August 1897, that sales in future under these rules of plots exceeding 10 acres should be subject to the sanction of the Government of India for previous sanction.

4. With regard to the rules in force in the Madras Presidency for the sale of unassessed waste, the Government of India consider that they should be similarly revised so as to provide for periodic revision of the revenue. They agree with His Excellency the Governor in Council that the provisions of the present rules which alienate land free of land revenue should not be retained; and, if for these provisions a system of fixed assessment is substituted, sales under these rules also of plots exceeding 10 acres should be submitted to them for previous sanction.

5. With regard to the special case of estates in Malabar, mentioned in paragraph 3 of Mr. Arundel's letter, the Government of India concur with the views of the Government of Madras.

ENCLOSURE

EXTRACT from the Proceedings of the Government of Madras, Department of Revenue and Agriculture (Land Revenue), No. 73-17, dated 7th September 1897.

Read—Despatch from the Secretary of State, No. 12, dated 9th June 1892, paragraphs 26 and 63.

Circular letter No. 733-741 (Revenue), dated 1872, from the Government of India, to Local Governments and Administrations, directing that no land should be sold revenue-free in perpetuity under the provisions of the above-cited despatch without the sanction of the Government of India, excepting only such small plots not exceeding 10 acres in extent as might be required for buildings or gardens.

Circular letter No. 15-16 (Land Revenue), dated 1895, from the Government of India, to Local Governments and Administrations, enquiring whether any action had recently been or continued to be taken in pursuance of the authority of the orders cited above.

Read also—

The following replies to the Circular of the Secretary of State, No. 512-Rev.—3072-R., dated the 7th August 1895.

Letter from the Chief Commissioner of Madras, No. 1106, dated the 23rd September 1895.

Letter from the Government of the Madras Presidency, No. 2605, dated the 14th October 1895.

Letter from the Chief Commissioner of Madras, No. 1790, dated the 24th October 1895.

Letter from the Secretary for Berar, No. 395, dated the 5th November 1895.

Letter from the Government of Benares, No. 3072-R., dated the 16th November 1895.

Letter from the Government of the Punjab, No. 42-3-R. 5, dated the 3rd December 1895.

Letter from the Government of Bombay, No. 42-3-R. 5, dated the 4th January 1896, and enclosures.

Letter from the Chief Commissioner of Madras, No. 1598, dated the 20th April 1896.

Letter from the Government of Madras, No. 1598, dated the 11th September 1896, and enclosures.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), No. 45, dated 25th February 1898:—

Read—the following G.O., No. 5238, Revenue, dated 7th October 1897:—

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3. Dealing first with the special rules for the sale of assessed waste lands on the Nilgiris and Shevaroy hills and in the Wynad, the Government of India note that, when the question of retaining these rules was discussed in 1883, the chief arguments in favour of their retention were that their terms tended to encourage planting enterprise by giving fixity of land revenue, that the fixed assessment of Rs. 2 an acre was as high a rate as could ever be imposed on hill land with reference to its suitability for ordinary produce, and that the area annually sold under the rules was comparatively small. Since 1883, however, the Government of India have had considerable experience of the working of waste land rules in other parts of India to which European skill and capital have been attracted. They have not found that the fixity of assessment has deterred the extension of planting enterprise in Assam. The condition in the Assam instrument of lease, which limits the assessment to the "payable on the most highly assessed lands in the said district cultivated with rice,

Cf. page 123 of Waste Land Rules of 1892.

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4. With regard to the rules in force in the Madras Presidency for the sale of unassessed waste, the Government of India consider that they should be similarly revised so as to provide for periodic revision of the present. They agree with His Excellency the Governor in Council that the provisions of the present rules which alienate land free of land revenue should not be retained; and, if for these provisions a system of fixed assessment is substituted, sales under these rules also of plots exceeding 10 acres should be submitted to them for previous sanction.

5. With regard to the special case of estates in Malabar, mentioned in paragraph 3 of Mr. Arundel's letter, the Government of India concur with the views of the Government of Madras.

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Circular letter No. 15-1 (Land Revenue), dated 1895, from the Government of India, to Local Governments and Administrations, enquiring whether any action had recently been or continued to be taken in pursuance of the authority of the orders cited above.

Read also—

The following replies to the Circular of the Secretary of State, No. 512-Rev.—3072-R., dated the 7th August 1895.

Letter from the Chief Commissioner of the Madras Presidency, No. 1106, dated the 23rd September 1895.

Letter from the Government of the Madras Presidency, No. 2605, dated the 14th October 1895.

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Letter from the Secretary for Berar, No. 395, dated the 5th November 1895.

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Letter from the Government of Bombay, No. 42-3-R. 5, dated the 4th January 1896, and enclosures.

Letter from the Chief Commissioner of the Madras Presidency, No. 1598, dated the 20th April 1896.

Letter from the Government of Madras, No. 1598, dated the 11th September 1896, and enclosures.

Resolution—

The instructions contained in the Circular letter of the 10th August 1872, read in the preamble, were provisionally issued pending the revision in the several provinces of the existing rules for the disposal of waste lands and the final settlement of the conditions on which such lands might be alienated. The revision has been generally completed, and the present question for decision is whether there is any necessity for retaining a rule which authorises Local Governments and Administrations to sanction the redemption by private persons of the land revenue assessment of small plots of land required for dwelling houses, factories, gardens, plantations and other similar purposes. The inquiry now made shows that the authority has been very seldom exercised and that it may be withdrawn without inconvenience. The Government of India are accordingly pleased to direct in modification of the Circular orders of the 10th August 1872, that in future no redemption of land revenue for the purposes specified above shall be permitted without the previous sanction of the Government of India.

2. These orders will not affect any powers already conferred on Local Governments and Administrations to grant exemption from or reduction of land revenue in respect of lands acquired by or made over to local authorities for roads and other public purposes, or of lands made over conditionally for educational, charitable or other *quasi*-public purposes to societies or individuals. Nor will they affect the provisions of any rules in force locally in any province which permit the redemption of land revenue assessed on small *nazul* plots, where the trouble and expense of collecting the assessment are disproportionate to the amount. Nor will they affect any rules already sanctioned for any province by the Government of India, authorising for the same reason the sale free-of-revenue of small Government properties which it may be necessary to sell.

3. The question of the retention of Rules 10, 12 and 34-B. of the Rules made by the Governor in Council in Bombay under section 214 of the Bombay Land Revenue Code which has been raised by the Government of Bombay in its reply, will be separately disposed of. The special case of the sale provisions of certain waste land rules in force in the Madras Presidency, which has been raised in its reply by the Government of Madras, will also form the subject of separate orders. The similar case of the waste land rules in force in Coorg will also be separately disposed of in communication with the Chief Commissioner.

Order—

Ordered that the above Resolution be forwarded to the Local Governments and Administrations noted on the margin for information and guidance.

Madras.
Bombay.
Bengal.
North-Western Provinces
and Oudh.
Punjab.

Burma.
Central Provinces.
Assam.
Coorg.
Hyderabad.

Ordered also that the above Resolution be forwarded to the Finance Department for information.

Ordered also that the above Resolution be forwarded to the Foreign Department for favour of communication to the Chief Commissioner of Ajmere-Merwara and the Agent to the Governor-General, Baluchistan.

(True Extract.)

(Signed) DENZIL IBBETSON,
Secretary to the Government of India.

Order—Misc. No. 5238, Revenue, dated 7th October 1897.

Communicated to the Board of Revenue in continuation of G.O., No. 459, dated 11th September 1896. The Standing Orders and the rules regarding the disposal of waste lands should be re-drafted so as to provide for a periodical revision of land revenue with a maximum limit of assessment similar to that contained in the Assam rules and should be submitted for the approval of Government.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Resolution—No. 45, dated 25th February 1898.

With its order, No. 5238, dated 7th October 1897, Government forwarded Resolution and a letter from the Government of India, dated 7th September 1897, on the subject of the sale of waste lands, assessed as well as unassessed, otherwise than under the darkhast rules contained in Board's Standing Order No. 30. Government has accepted the following suggestions of the Government of India, viz. :—

(1) That the rules for the sale of assessed waste lands on the Nilgiris and the Shevaroyes and in the Nilgiri-Wynaad as well as Malabar-Wynaad should be modified, so as to provide for a periodical revision of the land revenue, with a maximum limit of assessment similar to that contained in the Assam Waste Land Rules. The rules at present in force in this Presidency are contained in Board's Standing Order No. 33 and the appendices thereto. The limit in the Assam rules, alluded to by the

* Baden Powell's Land Revenue systems of India, Vol. III, page 414. Government of India, is as follows :—

"That no portion of the land shall at any time be assessed at a rate higher than that payable on the most highly assessed lands in the district cultivated with rice, pulses, or other ordinary agricultural produce."

(2) That the rules for the sale of unassessed waste land, viz., those in Board's Standing Order No. 32, should also be revised, so as to provide for periodical re-assessment.

(3) That no redemption of land revenue in perpetuity should be allowed in any case in which Government is not bound by previous engagements to allow such redemption. Standing Order No. 36 contains the rules at present in force on the subject of the redemption of land revenue.

The last suggestion was accepted in G.O., No. 459, dated 11th September 1896. The Board has been called upon to submit a draft Standing Order for giving effect to the changes above enumerated.

2. The foregoing summary will show that Board's Standing Orders Nos. 32, 33 and 36, with the appendices thereto, have to be modified and re-issued. The preparation of the detailed rules and forms necessitated by the present change of policy will take some time. The Board hopes to complete this revision before the 1st June next. In the meanwhile, the Board considers that it will be sufficient to direct Collectors to give publicity to the fact that the above Standing Orders are no longer in force and that no waste lands, whether assessed or unassessed, will in future be sold by Government free of assessment or subject to fixed assessment; but that only the occupancy right in such lands will be sold, subject to assessment which will be liable to periodical revision in the same manner as the assessment on ordinary ryotwar lands. Full mineral rights in such lands will be reserved to the State, as provided in paragraph 3 of Board's Standing Order No. 15.

3. The rules and forms to be altered are chiefly those appended to Board's Standing Order No. 33, which affects the Nilgiris, the Shevaroyes and the Wynaad. Certain suggestions for the simplification of these rules and forms have been received by the Board independently of the present correspondence and are being dealt with separately. In paragraph 35 of his letter printed in Board's Proceedings, No. 388, dated 11th November 1897, Mr. W. S. Meyer, I.C.S., on special duty, proposed the substitution of a patta for the cumbrous title-deed now prescribed under Standing Order No. 33. Mr. Mounsey, the Collector of Salem, has forwarded a form of patta which he considers to be sufficient for the Shevaroyes. The Collector of Malabar also accepts the proposed simplification. Mr. Tremmenheere, as Collector of the Nilgiris, drew up a memorandum on the subject of abridging in unimportant cases the long interval which now elapses between the first application for waste land and the signature of the title-deed by a Secretary to Government. The Board proposes that until these suggestions have been considered and the forms and rules have been revised accordingly, all proceedings be stayed in fresh cases arising under Standing Order No. 33. Applications under Standing Order No. 32 are very few but all action thereunder should be stayed.

4. The question of the conversion of 99 years' leaseholds into permanent properties, subject to fixed quit-rent, raised in the papers forwarded to the Board. In many of these cases the Government has been already accepted and permanent pattas have been granted. In several others, for instance in those referred to in G.O., No. 733, Revenue, dated 12th December 1896, the grant of permanent pattas is delayed by various causes such as the likelihood of a loss of revenue. The Board recommends that such cases and others awaiting settlement, ryotwar pattas, subject to periodical revision, may be granted when the change is desired by the leaseholder. In cases where the 99 years' leaseholds have been used for building purposes, the Board considers that unless arrangements have been already entered into for the grant of permanent pattas, the rules for the assessment of building sites in towns, proposed in Board's Proceedings, No. 444, dated 22nd December 1897, should be applied if the leaseholders so elect.

5. A copy of the Government of India Resolution and the Government Order thereon will be communicated to the Collectors for information. Pending the receipt of the orders of Government upon the Government Resolution, all proceedings under Standing Orders Nos. 32 and 33 should be stayed.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Secretary.

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

Read—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 1230, dated 7th May 1898 :—

Read—again Board's Proceedings, No. 45, dated 25th February 1898.

Read—again Board's Proceedings, No. 844, dated 23rd March 1898.

ABSTRACT.—Informing the Collectors of the Nilgiris that his presumptions regarding the applicability of the rules for the assessment of lands contained in Board's Proceedings, No. 45 of the 25th February 1898, are as follows:

Read—also the following letter from J. COTTON, Esq., Acting Sub-Collector in charge of Salem, dated 12th April 1898, to the Commissioners of Land Revenue, No. 699-Petn. :—

I have the honour to acknowledge the receipt of the letter of the 12th inst. and agreeably to the directions contained in paragraph 5 of Board's Proceedings, No. 45, dated 25th February 1898, notices were issued that all action on any pending or future applications for waste lands in the Shevaroy Hills under Board's Standing Order sections 32 and 33 would be stayed until the revision of the rules for the assessment of the waste lands by Government.

2. I have now been favoured with a communication from the Shevaroy Planters' Association copy of it is enclosed. This letter is written under the signature of Mr. Robert Gombertz, Honorary Secretary and contains a request that the Board's decision be made binding upon the Government and that the necessary fees for demarcation and survey should be asked that their cases be disposed of in accordance with the old rules. The number of such outstanding applications is thirteen. They are all either under survey or under inquiry and no sale notices have been issued.

3. I request the favour of your orders in the matter.

Resolution—Mis. No. 1230, dated 7th May 1898.

In paragraphs 3 and 5 of its Proceedings, dated 25th February 1898, the Board considered that, pending the revision of the rules and rules relating to Standing Order Nos. 32 and 33, all proceedings under these cases arising thereunder should be stayed. On a reference subsequently made by the Collector of the Nilgiris this view was affirmed, and it was ruled that where applications for lands had been already put in but the stage of sale had not been reached, the applicants should be requested to renew their applications after the promulgation of the revised rules.

2. The Board, as at present constituted, is of opinion that these orders should be reconsidered as involving unnecessary and vexatious delay in the disposal of applications for land. It directs accordingly that where the Shevaroy, the Nilgiris and in the Wynad shall continue to be disposed of as before—subject however to the proviso—to be notified by the Collector, to the applicants and bidders that the sale of each lot will be conditional on the acceptance of a patta drawn up in accordance with the orders of the Government of India communicated with Board's Proceedings, No. 45, dated 25th February 1898, in lieu of a title-deed in the existing form.

(True Copy and Extract.)
(Signed) HENRY DAVIDSON,
Acting Secretary.

To the Collectors of Salem, the Nilgiris and Malabar.
Copy to the Secretary to Government, Revenue Department.

ORDER—No. 630, Revenue, dated 28th October 1898.

Miscellaneous.

The instructions issued in paragraph 2 of the Proceedings read above are approved.

2. The Government also accepts the recommendation in paragraph 4 of the first of the proceedings read above. The orders of the Government for the conversion of 99 years' leaseholds into permanent properties shall be cancelled by the distinct ruling of the Government of India that the conversion of the land revenue in perpetuity. Nothing, however, can be done in cases in which permanent pattas have actually issued; where this has not taken place, the cases will be dealt with in accordance with the following principles :—

(1) Where the lease has actually expired and the lands have legally reverted to Government, ordinary ryotwari pattas will be issued and lands being classed as dry or wet in accordance with ordinary settlement principles.

(2) Where the lease is still running the leaseholder will ordinarily be given the option of taking an ordinary ryotwari patta subject to periodical revision. If, however, the rent reserved under the lease is higher than the settlement rates, the lease should be allowed to run to its term, a ryotwari patta being made on its expiry, unless the leaseholder prefers to accept a patta for the unexpired term an assessment equal to the rent reserved under the lease.

(3) Where the leased lands are in towns the assessment prescribed for the assessment of town sites should be applied instead of the ordinary settlement principles.

(True Extra.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. Md. Fahlivan.

50 Copies.