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25/7/63.

MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	482	Press / ~~Mis.~~
Dated	12. 7. 1888	195 .

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 27th March 1888, No. 309 :—

W. WILSON, ESQ., M.A.

Read—the following letter from L. R. BURROWS, Esq., Collector of the Nílgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 7th December 1887, No. 445 :—

I have the honor to request the instructions of the Board and Government on the subject of the collection of revenue arrears on lands in the occupation of the Todas on the plateau.

2. The Todas have absolute rights over the sites on which their huts are built and spots appropriated to religious rites. They have besides certain lands to which their rights of grazing have been admitted. The origin of these claims and the past orders of Government relating to them are so fully set forth in the Manual of the Nílgiris—pages 327 to 343—that it is now unnecessary that I should recapitulate them in this letter.

3. The condition attached to the lands held by the Todas is that they are inalienable by sale, lease or otherwise and that the shola on the lands is not to be felled or sold. Notwithstanding this condition it was represented by the late Commissioner, Mr. Breeks, in 1871, that a few sales had taken place, and the Board directed in Proceedings, No. 1759, dated 27th April 1871, that the Toda pattas should be recalled and the condition above referred to should be embodied in all of them. This was done, but alienations still continued and under the orders of the Board and Government, marginally given, the condition was made more stringent, with the result that sales or leases of Toda lands have not been heard of for some years past.

G.O., No. 397, dated 18th April 1882, Revenue.
" " 758 " 18th July " "

4. The annual assessment payable on the Toda lands is two annas per acre. During the late Revenue Settlement of the Nílgiri plateau their limits have been correctly defined and pattas, in the form enclosed, setting forth clearly the restrictions in force, have been issued in the names of the headman of each mund or Toda village for the common use of all the resident inhabitants.

5. But the assessment due on the Toda lands so held, extremely light as it is, has not been regularly paid. The deputy tahsildars recommended the arrears for remission on the ground that the lands on which they were due were communal property and that therefore no Toda was individually liable to the payment of the arrears; but I saw no reason why the lands should not be proceeded against under Act II of 1864 (Madras) and the following instructions were therefore issued to the deputy tahsildars :—

(*a*) That the Toda lands should be sold like other holdings for arrears due on them under Act II of 1864 (Madras), the Todas being previously made aware of the inconvenience that would arise in their case if their lands were purchased by private individuals or by Government;

(*b*) that the deputy tahsildars should attach and sell a sufficient portion of their grazing lands to realize the arrears, leaving out their mund sites and spots on which their ceremonies are performed;

(*c*) that the remark in the Toda pattas, viz., that the lands are inalienable, &c., should be inserted in the notice of sale and intending bidders should be given to understand that they would only acquire grazing rights of the Todas if they purchased the lands at auction;

(*d*) that if bid for and purchased by outsiders, the sale would be subject to the special orders of the Board of Revenue;

(*e*) that if there were no bids, the lands were to be bought in on behalf of Government for a nominal price;

(*f*) that purchases of Toda lands at the auction should be specially reported to the Collector in view of having the sale cancelled should there appear good reason for doing so.

6. Acting on these instructions the deputy tahsildar of Coonoor has reported to me two sales of Toda lands in the Ithalar and Kethi villages for arrears due for faslis 1294, 1295 and 1296, under patta Nos. 56 and 267. The deputy tahsildar sold one field comprised in each of the two pattas as follows:—

—	Patta number.	Settlement number.	Area.	Assessment.
			A. C.	RS. A. P.
Ithalar	56	355	54 30	6 12 7
Kethi	267	1196	58 48	7 4 11

The restrictions applicable to Toda lands were read and explained at the auction, and as no private individual would buy under the circumstances, the lands were bought in by Government for a sum of two annas in each case. I have directed the deputy tahsildar not to interfere with the use of the lands by the Todas pending the orders of the Board and Government on this letter. There are other lands included in the above pattas, aggregating acres 204·36 in patta No. 56 (Ithalar) and acres 69·21 in patta No. 267 (Kethi), and I am issuing instruction to the deputy tahsildar to sell these lands also for the arrears outstanding, before recommending the amount for remission.

7. I have the honor to ask whether the procedure above stated for the recovery of the Toda arrears has the approval of the Board and Government.

8. By the sale of their grazing lands the position of the Todas becomes one of absolute dependence on the generosity of Government. In Board's Proceedings, dated 18th October 1886, Forest No. 568, a very important concession has been allowed to them, they being exempted from all grazing fees in reserved forests which are open for grazing.

9. I was in hopes that the Todas would have paid up the arrears sooner than allow their lands to be sold. But as these hopes have not been realised, I request to be allowed to offer the two lots which have been bought in by Government for sale under the waste land rules. So long as the Todas are not disturbed in their possession, they will not probably object to their lands being bought in by Government, but when they see that this is only a preliminary to the sale of the land under the waste land rules, they will probably bestir themselves and pay their assessment.

10. If these proposals are approved as an experiment, I will report the result to the Board in due course.

ENCLOSURE No. 1.—Form of patta.

Reference on the above, dated 14th December 1887.

The Collector should report whether the lands he proposes to sell under the waste land rules are forest or grass lands, and also at what distance they are from the munds. (inhabited) to which they belong.

(Signed) R. S. BENSON,
Acting Secretary.

To the Collector of Nilgiris.

Read—the following letter from L. R. BURROWS, Esq., Collector of the Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 23rd February 1888, No. 94:—

With reference to Board's Reference, dated 14th December 1887, on General Register No. 2815, I have the honor to communicate the particulars required regarding the Toda lands, now vested in Government, which I proposed for sale under the waste land rules. I enclose for the Board's information two tracings showing the lands in question.

2. *Ithalar village—Settlement No.* 355, *acres* 54·30.—This block is shown on the settlement map to be all grass land, but on inspection by the deputy tahsildar it is reported that there are 5 or 6 acres of shola in the place indicated on the tracing. I propose to cut out this area and sell the remainder under the waste land rules. The area so reserved may be made available as village forest for the use of the Badaga inhabitants of the Attuboil hamlet which is about two furlongs distant from it. The blocks already proposed as village forest (*vide* my letter to the Board, No. 1359, dated 2nd February 1887) in Ithalar village are not conveniently near Attuboil hamlet. The land proposed for sale also contains the Great Trigonometrical Survey station Attuboil; but there is no necessity to make any reservations on this ground, as the list of Trigonometrical Survey stations circulated with Board's Proceedings, No. 1706, dated 28th July 1886, does not show any for this district as requiring preservation.

The nearest Toda mund (inhabited) is reported to be 3 miles distant from the land; but the map shows it to be about a mile.

3. *Kethi village—Settlement No.* 1196, *acres* 58·48.—This is all grass land and there is no Toda mund near it. The adjacent land—Settlement No. 1191—is the site of a Toda temple, and no Todas live in it.

Resolution—dated 27th March 1888, No. 309.

Submitted for the orders of Government.

2. Certain Todas having fallen into arrear, the Collector sold their grazing rights over certain of their lands by auction under Act II of 1864. No private person would buy the lands subject to the restrictions under which they were sold. He accordingly bought them in for Government for nominal sums.

3. The Collector now reports that the Todas appear to have no objection to Government buying up their grazing lands; but he thinks they would endeavour to pay up the assessment on their lands if they thought that the purchase by Government was only a preliminary to the sale of the lands to private persons. He therefore proposes now to sell, under the waste land rules, a part of the Toda lands bought in by Government as above stated.

4. These lands are not situated close to any inhabited Toda mund, and there is only a small area of shola in one of the fields. This shola will be reserved as a village forest for the Badagas of Attuboil, and there are no reasons of a general and public character why the remainder of the lands should not pass into private hands. The Board therefore recommend that the sales proposed by the Collector be carried out as an experiment, the result on the future action of the Todas being reported in due course.

5. The Board, however, desire to impress on the Collector the necessity for great caution in extending the present procedure to other lands. Its general adoption would lead to two results which Government has made the most strenuous efforts to prevent, viz., the complete expropriation of the Todas from the lands enjoyed by them from time immemorial and the occupation of those lands by ordinary purchasers for purposes of cultivation or as building sites. If there is any likelihood of this being the ultimate result, the Board think it would be preferable that Government should deliberately forego the small revenue involved and permit the Todas to enjoy free of all assessment (but subject to all the restricting conditions now in force) the lands at present set apart for their use subject to the nominal tax of two annas an acre. According to the Settlement registers the area involved is 2,603·99 acres, and the assessment

only Rs. 325-7-10. Government has recently given the Todas the privilege of grazing their cattle free of fees over 40,000 acres of reserved forest. It would be but a small addition to free the above 2,600 acres from assessment.

6. With regard to the Collector's statement in paragraph 2 of his letter of the 7th December 1887, that the Todas have absolute rights over their mund sites, it is observed that though this was the view taken by Mr. R. S. Benson, the Settlement-officer, the Government declined to draw any distinction between the mund sites and other lands of the Todas—G.O., No. 397, Revenue Department, dated 18th April 1882.

(True Copies and Extract.)

(Signed) R. S. BENSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
" the Collector of Nilgiris. with three enclosures to be returned.

ORDER—dated 12th July 1888, No. 482, Revenue.

Land Revenue, No. 44.

The Government do not wish to enforce payment of revenue by sales under Act II of 1864, so long as any Toda community actively enjoys the land. In such cases the Collector should set off the arrears against payment due to the Todas, if there are any such, and, after the close of each fasli, recommend for remission, all arrears on account of preceding faslis that may remain unpaid.

2. Of the lands already purchased for Government in the villages of Kethi and Ithalar, the portion containing the shola may be reserved as a village forest as proposed; but at present nothing more should be done as regards the ~~remainder~~ beyond excluding them from the Toda pattas. If the Todas continue to use these lands, it will be by sufferance and not of right.

(True Extract.)

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

To the Commissioners of Land Revenue,
with three enclosures returned.
" the Commissioner of Revenue Settlement,
Land Records and Agriculture.

Exd. P. L. Pereira.

70 Copies.

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4/11/29
7/2/02
7/11/02
20-8-10
21-4-10
18.9.26.
9/1/27

Original

Govt. of {1888} Mad.

REVENUE.

Issued

Recd. *Encl.*

G.O., 12th July 1888, No. 482.

JULY.

Revenue arrears on lands in the occupation of Todas.

Passing orders on Board's Proceedings regarding collection of —.

(5)

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

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3. The condition attached to the lands held by the Todas is that they are inalienable by sale, lease or otherwise and that the shola on the land is not to be felled or sold. Notwithstanding this condition it was represented by the late Commissioner Mr. Breeks in 1871, that a few sales had taken place, and the Board directed in Proceedings, No. 1759, dated 27th April 1871, that the Toda pattas should be recalled and the condition above referred to should be embodied in all of them. This was done, but alienations still continued and under the orders of the Board and Government, marginally given, the condition was made more stringent, with the result that sales or leases of Toda lands have not been heard of for some years past.

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(6)

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RESOLUTION—dated 27th March 1888, No. 309.

Submitted for the orders of Government.

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set apart for their use subject to the nominal tax of two annas an acre. According to the Settlement registers the area involved is 2,603·99 acres, and the assessment only Rs. 325-7-10. Government has recently given the Todas the privilege of grazing their cattle free of fees over 40,000 acres of reserved forest. It would be but a small addition to free the above 2,600 acres from assessment.

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(True Copies and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department,
with three enclosures to be returned.
„ Collector of Nilgiris.

Exd. A. Aubert.

(7)

For orders

The Todas lands being inalienable & the Todas having no transferable right in them (vide form of patta enclosed) it seems hardly proper to treat them under Act II of 1864 M. as a sale under the Act implies a recognition of the right of the Todas to transfer In view of the consideration urged by the Board in para 5. it is submitted that the small revenue assessed on the Todas (Rs 325. 7. of) might be foregone. In that case, any a deduction may be made from the Todas first annual payments to the Todas on account of sites acquired from them at Ootacamund & the Wellington Cantonment & next to the doubtful expediency of sales under the Act both a needlessly to frighten the Todas into payment of the revenue assessed on their

REVENUE DEPARTMENT.

1888.

Board of Revenue

(Land Revenue),

MADRAS.

No. 2701

SCR. GOVT. MADRAS
19 APR 88
REV. DEPT.

Hon. Mr Stokes

Printed April th.

Proceedings, 27th March 1888, No. 309.

Submitting for the orders of Government, with remarks, letter from the Collector of Nilgiris requesting instructions as to the collection of *revenue arrears* on *lands* in the occupation of the Todas on the plateau.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read { Pro: of the Board of Revenue, No. 2701 } of 27 March 1888, No. 309.

Lands, no. IV

G.O.

The Govt. do not wish to enforce payment of revenue by sales under act II of 1864 so long as any Toda community actively enjoys the land. In such cases the Collector should set off the arrears against payments due to the Todas, if there are any such, and, after the close of each fasli, recommend for remission all arrears on account of preceding faslis that may remain unpaid.

2. Of the lands already purchased for Govt. in the Villages of Kethi and Othalay

the

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From Addl
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Draft 96

Re- Toda lands

Print
12/7

To
16 the Comm^r of N.R
with 3 pmos ret
25. Comm^r of N. P. & N.R.Hills

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