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MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No.	118 Rev	Press
B.P. No.		Mis.
Dated	17 2	18 9/

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PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

THE FULL BOARD.

Read—the following G.O., dated 16th April 1888, No. 270, Revenue:—

Read—the following G.O., dated 14th January 1888, No. 4, Legislative:—

ABSTRACT.—Communicating paragraph 6 of His Excellency the Governor's minute to the Select Committee on Malabar Evictions and Waste Lands Bill, and directing that the Karnams' Bill, No. 6 of 1883, referred to in paragraph 13 of the minute, be removed from the list of business, leaving the question of preparing a new Bill on the lines contemplated in Revenue G.O., No. 823 of 1885, for consideration in the Revenue Department.

Order—dated 16th April 1888, No. 270, Revenue.

Miscellaneous.

The Board of Revenue are requested to submit a revised Bill containing provisions for the levy of the village service cess in zemindaris and whole inam villages as contemplated in G.O., dated 15th July 1887, No. 823, R.D.

2. On reconsideration the Government are of opinion that the proviso to section 14 of the present Bill, which in the Government Order above referred to was ordered to be expunged, should be retained, as it is desirable that the settling officer should have power to impose full assessment in cases in which the holder of the inam proposed to be enfranchised is not entitled to enfranchisement on favorable conditions. The Government are also of opinion that in apportioning the village service cess between the zemindar and the ryot, the rule laid down in sections 73 and 75 of Madras Act V of 1884 should be adopted.

3. The file of papers received from the Legislative Department containing remarks and suggestions on the Bill will be forwarded to the Board for consideration in connection with the revised Bill now called for.

(True Extract.)

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

To the Commissioners of Land Revenue, with file of papers.
„ Legislative Department.

Read—the following G.O., dated 3rd July 1888, Mis. No. 3850, Revenue:—

Read—the following G.O., dated 21st May 1888, No. 1162, Judicial:—

Read—again the following paper:—

G.O., dated 16th December 1887, Mis. No. 2862, Judicial.

Read—the following petition from the landholders of Tinnevely, to His Excellency the Right Honorable the Governor of the Presidency of Fort St. George, dated 21st October 1887:—

The humble request of the landholders of the Tinnevely district is put forth thus:—

1. From the coronation of our Gracious Queen and Empress of India, all Her subjects of India have been prospering under Her Majesty's benevolent administration. But though we have been enjoying many rights concerning our lands after the time

of the settlement, we have yet been suffering under some important concern. we have long been expecting your Excellency's visit to this place, hoping that we shall then have our grievances redressed directly by your Excellency, we want to make the best use of your Excellency's presence.

2. We have been paying, with no dislike, our many taxes imposed upon us by the Government, in addition to what we have been paying for our lands, the fruit of which we have been duly enjoying though not without grievances.

3. We enjoyed much prosperity before the settlement by certain favorable arrangement. But since its introduction we have been paying our taxes even for such lands as have not been brought under cultivation by the unfitness of the season or by some other mischance, while most of the adjacent lands have been cultivated only in due season. In addition to this, we not only lose what we spend in this cultivation, but are also forced to pay the tax with no remissions, in case of the failure of one of the crops, while we get remissions only in case of the total failure of the two crops.

4. The road cess collected from villagers in addition to the land tax is chiefly, we think, intended for public good, i.e., specially for the repairs of roads or making convenient roads where there is necessary to the respective villages from which it is collected. The fund collected from villages, instead of being used for the benefits of the villages, is used by Government in various other ways without the least amount of benefit to the villages.

The villages suffer great amount of difficulties from want of roads, or repairs of roads if there happens to be any, for the free passage to cattles, bullocks, and bandies to carry manures to the fields, to bring paddies from fields not only in rainy season, but also in other times. Not even a little portion of the tax they receive is spent for their benefits. We pray therefore your Excellency will be graciously pleased to take to your Excellency's benign consideration all their cravings and thus relieve them.

5. We humbly pray that your Excellency may notice all the following matters and may be pleased to pass favorable orders:—

(I) That we should get proper remission even in case of the failure of one of the crops of those lands which are twice cultivable every year.

(II) That we should get remissions also for such small pieces of land as become incapable of cultivation owing to the want of sufficient and proper water supply.

(III) That your Excellency may be pleased to favor us with the enforcement of the Criminal Tribes Act against the most troublesome Maravers (criminal class) of the district in respect of damage to crops sustained by the landlords, and numerous heinous crimes, such as dacoities, robbery and burglaries often committed by them, and to augment the police force of the district for the safety of our person and property so that the ryots may not be obliged to resort to the kudi-kaval system now abolished.

(IV) That no member of the said dismissed kudi-kavalgars should be given any appointment at all, either of talayari or of vettian.

No. 7102.

With reference to their requests in clauses I, II and IV of paragraph 5, the petitioners are referred to the local authorities.

2. The request contained in clause III will be considered in the Judicial Department.

FORT ST. GEORGE,
19th November 1887.

(By Order.)

(Signed)

H. A. STUART,
Under Secy. to Govt.

To the Judicial Department, with petition.

Order—dated 16th December 1887, Mis. No. 2862, Judicial.

The petition, dated 21st October 1887, will be referred to the Inspector-General of Police and to the District Magistrate of Tinnevely for remarks, with reference to the requests in clause III of paragraph 5. Mr. Lee-Warner, District Magistrate of Chingleput, will also be requested to submit his opinion thereon. The report called for in paragraph 19 of G.O., 26th September 1887, No. 2198, from the District Magistrate of Tinnevely, should be expedited.

(True Extract.)

(Signed) H. E. STOKES,
Chief Secretary.

READ—also the following papers:—

From the Magistrate of the Chingleput district, dated Saidápet, 24th January 1888, No. 13—G. and B.

From the Acting District Magistrate of Tinnevely, dated Tinnevely, 13th April 1888, No. 460.

From the Acting Inspector-General of Police, dated Madras, 21st April 1888, No. 2179.

Order—dated 21st May 1888, No. 1162, Judicial.

In clause III of paragraph 5 of the petition from certain landholders of Tinnevely recorded in G.O., 16th December 1887, No. 2862, two requests are made, viz., first, that the Criminal Tribes Act should be enforced against the Maravers of the district of Tinnevely, and, second, that the police force of the district should be increased. The foregoing papers are replies received from officers to whom these requests were referred for remarks.

2. As regards the first request, the Government agree with the officers consulted that the enforcement of the Criminal Tribes Act, 1871, against the Maraver tribe, is altogether impracticable. The adoption of such a step would require legislation and could not be justified, and in considering the petition above referred to, the Government put this part of the prayer out of the question.

3. The matters connected with the second request and referred to in the foregoing papers are chiefly two—the management of the village police and the strength of the district force. Taking the latter first, the Government are of opinion that a good case for increasing the strength of the force has been made out. The Inspector-General of Police will take up the Tinnevely district first in connection with the suggestions recently made in paragraph 3 of G.O., 7th March 1888, No. 595, and will submit proposals for providing an inspector for every division and a head constable for every station. Additional constables should also be given where necessary, and the proposals for this district should be submitted in advance of the general scheme, or the taluks of Tenkási, Nángunéri and Ambásamudram may be separately dealt with.

4. The Government are not prepared to make the talayaries or Government kavalgars police officers under the Act, but they agree that this class of village officers should be brought under the partial control of the District Superintendent. The Superintendent should always be consulted before the appointment of a talayari is made, and his proposals to remove any talayari should receive the careful consideration of the Collector. The increase of pay which the village police may receive in the revision of village establishments will improve their position and make their office better worth having and themselves more careful in attending to their duties.

5. As Mr. Stevenson is now in Tinnevely, he may be able to introduce some part of the system, said to have been so successful in North Arcot, for encouraging and maintaining control over the talayaries. The Government fear there would be difficulty in adopting the District Magistrate's suggestion regarding the application of the provision of Madras Act III of 1882, and doubt the necessity of the measure.

6. As regards the employment by the ryots of kudi-kavalgars, nothing can be done. Of course, such active breaches of law as exaction and terrorism can be punished, as pointed out in G.O., 30th November 1881, No. 1843, Revenue Department. The kavalgars in zemindari and devastanam villages can only be touched by extending the Village Cess Act to zemindaris, when the cess would take the place of the swatantrams and the establishment could be reorganized. It seems desirable that this should be done, and the matter will be referred for consideration in the Revenue Department in connection with the question of a new Bill for karnams in zemindari tracts which formed the subject of paragraph 4, G.O., Legislative, 14th January 1888, No. 4.

(True Extract.)

(Signed) H. E. STOKES,
Chief Secretary.

To the Revenue Department.
" Inspector-General of Police.
" District Magistrate, Tinnevely.
" " " Chingleput.

Order—dated 3rd July 1888, Mis. No. 3850, Revenue.

Communicated to the Board of Revenue in continuation of G.O., dated 16th April 1888, No. 270, Revenue. They will also submit their remarks on the question referred to in paragraph 6.

(True Extract.)

(Signed) H. A. STUART,
Under Secy. to Government.

To the Commissioners of Land Revenue.

RESOLUTION—dated 18th December 1888, No. 1024.

In the first of the Government Orders read above the Board are requested to submit a revised Zemindari Karnams' Bill, containing provisions for the levy of the village service cess in zemindaris and whole inam villages as contemplated in G.O., dated 15th July 1885, No. 823, Revenue.

2. In the later Government Order the Board are requested to submit their remarks on the question of extending the Village Cess Act bodily to zemindaris, chiefly as a means for preventing the exactions and terrorism of the kavalgars.

3. This latter question of extending the Village Cess Act to zemindaris and reorganizing the entire village establishments therein is an important one and formed one of the alternative proposals made by the Board in their Proceedings, dated 18th May 1885, No. 1451; but most of the Collectors who reported in 1874-75 on the question were opposed to the measure. Such of them as advocated it did so on the grounds mainly that it would (1) ensure payment of the emoluments of village servants and (2) make it possible to enforce the performance of duties for which they were remunerated, but the testimony of the Revenue officers generally was to the effect that there was in reality no room for complaint on either of these points except as regards karnams; and several practical difficulties were also urged against the introduction of the measure (paragraph 14 of Board's Proceedings, dated 27th October 1875, No. 2975). To the difficulties therein specified may be added this, that in the absence of a regular survey and settlement, and most zemindaris are unsurveyed, it would be practically impossible to introduce the Cess Act and reorganize the village establishment therein. It was partly on account of these difficulties, but mainly because there were no complaints either by or against the other village officers, while the position of the zemindari karnams was unsatisfactory in many ways owing chiefly to their anomalous legal status and was complained of universally, that the Board limited their consideration in the draft Bill submitted with their Proceedings of 1875 to amending the law so far only as it related to karnams.

4. Circumstances have not changed very materially since then so far as the other village officers are concerned. As regards the kudikaval system obtaining in the Tinnevely and adjacent districts there is no question but that its ultimate suppression should be kept in view and that the first step to be taken in that direction should be to abolish the swatantram fees in zemindaris by extending the Cess Act to them. Yet seeing that this extension implies consideration of several circumstances, some of which are referred to in items 3—7 of paragraph 14 of Board's Proceedings of 1875 and on most of which full and detailed information will have to be obtained from Collectors; that this reference to Collectors will involve great delay; that it is desirable to get the Karnams' Bill pushed on as speedily as possible; that the extension of the Village Cess Act to zemindaris may well form a subject for consideration by itself and for separate legislation should such be deemed necessary when the question is ripe for decision; the Board resolve to submit the Bill revised only with reference to the Government Order first read at the head of these Proceedings; but at the same time to call upon all Collectors to report on the larger question of extending the Cess Act to zemindaris, furnishing for each zemindari information on the following points:—

- (1) The number of existing village officers other than karnams.
- (2) The number which it is desirable to maintain.
- (3) The existing remuneration of these officers.
- (4) The assets which would be available in the shape of quit-rent on inams.

5. Even as regards the Karnams' Bill, the Board are not as yet in a position to recommend a definite rate at which the cess should be levied; but as for the purposes of the Act only the maximum rate need be fixed, the Board have not thought it necessary to keep back the Bill until the information as to the rate actually to be levied is obtained. This information, however, will be called for immediately and it is hoped that by the time the Bill is passed and the Act is ready to be introduced the Board will be able to fix the rate which should be actually levied.

6. Before passing to the Bill the Board wish to observe with reference to the second Government Order read at the head of these Proceedings and as an additional reason why the Board have resolved not to delay the submission of the revised Bill till they should be in a position to make definite recommendations about extending the Cess Act, that while they admit that the kaval system is a relic of unsettled times and consequently behind the age and that it is open to great abuse, they are also of opinion that its suppression should be gradual. In saying this it is not alone the practical impossibility of suppressing their influence all at once that the Board have in view. They are of opinion and their opinion is based on personal knowledge that the system is not an unmixed evil. A very large percentage of the detection of crime in the rural parts of the country is due to the exertions of the kavalgar class and though disposed occasionally to trade upon their power they perform a useful function which in the present state of the country it would be inexpedient to forego, even if the finances would permit of their being completely replaced by equally efficient agency.

7. Turning now to the Bill, the first and most important point for consideration is the constitution of the karnams' fund. It is mainly with a view to the consideration of this point that the Bill has been referred to the Board.

8. In the draft Bill submitted by the Board in 1879 the question of the emoluments of karnams was not touched at all. It was seen from the reports received from Collectors and others that there was no complaint on the score of the emoluments of the karnams being insufficient; and though it appeared that in some estates the number of karnams was not sufficient it was reported that there would be no difficulty in getting a sufficient number provided. The Board accordingly limited their consideration to making only such provision as was considered necessary for bringing the zemindari karnams under the control of the Revenue officers.

9. When however the Bill was introduced in the Legislative Council in 1883 by the Honorable D. F. Carmichael provision was made for the determination of village units and the appointment of a karnam for each such village and in view to finding funds for the remuneration of the additional karnams which this provision might necessitate

it was proposed to enfranchise the karnams' inams and form a karnam fund out of the quit-rents. It was believed by the Honorable mover that the aggregate of the quit-rents would suffice to place the karnamship of each village in a zemindari on a satisfactory footing, the karnam being allowed (this provision should be specially noted) in addition to the salary paid to him out of the fund, to receive the fees in money or in kind which are due to him at the harvest and on other occasions from the ryots. This last provision which permits the continuance of the fees did not, however, find a place in the Bill; and though it is not specially referred to in the subsequent reports on the Bill by the Select Committee nor in the G.O., dated 15th May 1884, No. 2063, in which the Board were asked to report the probable value of the karnams' fund, it is presumed from the absence of any provision in the Bill similar to section 6 of Act IV of 1864 that it was the intention of the Select Committee as well as of Government that the fees and merahs should be continued.

10. In replying to the Government Order last quoted above the Board reported that the proceeds of enfranchisement would not be sufficient and that therefore either the village service cess should be introduced or a cess similar to the land cess, to be borne equally by the zemindar and his tenants, the former getting in return the proceeds of enfranchisement of the karnam inams and the latter being relieved of the merahs now paid by them.

11. Government in their Order, dated 15th July 1885, No. 823, Revenue, suggested that the apportionment of the cess between the zemindar and his tenants should be in the ratio of 1:3 on the ground that as the cess would supersede the merahs which were deductions from the gross produce the distribution of the cess should be according to the shares of the gross produce that, it was estimated at the time of permanent settlement, fell to the zemindar and the tenant, respectively. This latter ratio was taken by Government to be 1:3 assuming apparently that out of the zemindar's share of the gross produce (theoretically one-half) the zemindar paid $\frac{2}{3}$ (the theoretical proportion) to Government.

12. In their subsequent order, however, now under reply Government have directed that the apportionment should follow the rule laid down for the land-cess. This rule would give the same result as the rule of proportion ordered in the previous Government Order if the theoretical proportion $\frac{2}{3}$ noted above represents the shares in which the rental is actually divided between the zemindar and Government. But, when it is remembered that the permanent settlement in the case of some estates was, not with reference to the assets, so much as with reference to the fact that the proprietors were absolved from the obligation of rendering military service (e.g., Venkatagiri—G.O., dated 16th January 1884, No. 2249) that even in those cases in which the settlement was based on the assets the same proportion was not adopted and that since the permanent settlement the rental actually received by the zemindar has greatly increased while the peishcush remains constant, it will be seen that the ratio of the peishcush to the rent value of an estate will, while ranging between very wide limits, be in most cases considerably less than $\frac{2}{3}$. Taking some of the principal estates now under the management of the Court of Wards it is seen that this ratio ranges between 8 per cent. in the case of Jarada and 52 per cent. in the case of Erumaipati, the average for 19 zemindaris being under $\frac{1}{3}$. The effect of this will be that when the land cess mode of apportionment is adopted the ratio of the landlords' share to the tenants' will be

* Vide statement D.

13. The question then arises—How is the zemindar to be compensated for this large proportion of cess which he is to be called upon to pay? In their Proceedings of 1885, the Board suggested that in the event of a cess similar to the land-cess being levied, the zemindar should take the proceeds of enfranchisement of the karnams' inams. Though Government have not either in the Government Order of 1885 or in the Government Order under reply expressed an opinion on this point, the Board presume that the Government will see the propriety of compensating the zemindar to some extent. The land-cess was a new tax both on the zemindar and the tenant and was made to fall therefore more or less equally on both parties. But the cess now proposed to be levied is in lieu of an existing charge and its relative

incidence must as far as possible be in proportion to the charges now actually borne by the parties. In the case of the tenants the cess will replace the merahs now paid by them. There should be a corresponding relief to the zemindar. It is true that he will not have to pay the fees that he now pays but the fees paid to karnams are not in all cases deductions from the gross produce. In some cases the zemindar has granted inams in lieu of his share of the fees and in these cases unless he is allowed to resume the inams or at all events to take the proceeds of their enfranchisements, in the event of these inams being also enfranchised, he will obtain no relief at all and the cess will *pro tanto* become an entirely new tax on him. The mere discontinuance of the existing fees may be no relief to the landlord in some cases and be a very insufficient relief in many others. Such being the case the question arises what would be adequate relief to the zemindar? This question is, however, by no means capable of a satisfactory general solution, owing to the very varied ways in which karnams are remunerated in the different estates.

14. The various modes obtaining in the several estates are reducible to the following heads (shown in detail in statement A).

I. Grants of land, rent-free, made—

- (1) Prior to the permanent settlement, &c.
 - (a) Excluded from the assets on which the peishcush was fixed, or
 - (b) Not so excluded.
- (2) Subsequent to the permanent settlement.

II. Assignments of assessment on lands—

- (1) in the occupation of karnams, or
- (2) in the occupation of others.

Sub-divided as in case I.

III. Fees or merahs—

- (1) Paid by proprietors.
- (2) Do. tenants.
- (3) Paid jointly by both.

Each estate has its own "mamul" in this respect and it would be no easy matter to determine in each case in what proportion the karnam's total remuneration falls on the zemindar and on his tenants. Even if this determination were possible, it would not be of much use unless the apportionment of the cess is to be different for different estates—a very undesirable and inconvenient thing in a tax.

15. In these circumstances only an approximation is possible and it seems to the Board that it would be a sufficient return to the zemindar if in addition to being relieved of the obligation to pay the existing salaries and fees he is allowed to take back the inams granted by him subsequent to the permanent settlement as well as such of the prior inams as were not excluded from the assets on which the peishcush was fixed at the time of permanent settlement (*vide* sanads quoted by the Zemindars of Kālahasti and Venkatagiri in G.Os., Nos. 3 and 22, dated 10th January 1884 and 16th January 1884, Legislative). An additional reason in favor of this last proposal is that the Government have strictly no claim to these inams, as even the subsequent inams are not of the nature of the grants prohibited in section 12 of Regulation XXV of 1802. These inams may have been granted to make up deficiency in the emoluments of the regular and established number of karnams at the time of permanent settlement (section 11 of Regulation XXV of 1802) or to provide for additional karnams subsequently appointed (section 2 of Regulation XXIX of 1802). The case is different, however, with the prior inams excluded as such at the time of permanent settlement. These are Sirkar or Government grants and may be disposed of by Government as they think proper. If these are therefore enfranchised and the proceeds of enfranchisement added to the cess, the karnams' fund would be contributed to by the Government and the zemindar very nearly in the proportion in which the rental is actually divided between them (paragraph 20 *infra*).

16. In regard to the inams which it is proposed to give back to the zemindar the question will arise whether the zemindar should be allowed to deal with them as he chooses and the law will allow or whether the benefits of enfranchisement should be extended to the holders of these inams considering that the services for which they

were granted are now to be otherwise paid for, and that the grantor may therefore fairly claim them back again. The Board are in favor of the former alternative.

So much as to the constitution of the fund.

17. The next question is, what should be the rate of cess.

The answer to this question will depend on whether the karnam's fund should be different for the different estates or districts, or should be one for the whole Presidency.

18. In the Bill drafted by the Select Committee it is proposed to have a karnam fund for each estate with the proviso that the surplus fund of one estate may be utilized in those estates of the district which show a deficit. This restriction corresponds to the restriction now placed on the utilization of the Village Service Fund. But considering that this latter restriction necessitates irregularities of taxation which are undesirable in themselves and has always been felt as a serious obstacle in the way of rendering the village service uniformly efficient in all districts that the Board have repeatedly urged on Government the desirability of abolishing it that Government in their recent order, dated 1st September 1888, No. 615, have at last approved the Board's suggestion that it should be removed; the Board are strongly of opinion that the zemindari karnams' fund should be a general Presidency fund capable of utilization wherever there is need. Some of the zemindars whose memorials on the karnam's Bill are in the file of papers forwarded with the Government Order have objected to the surplus of the karnam fund of one estate being utilized to make up the deficit in others. It is urged that as some zemindars have granted inams more liberally than others it would be unfair to utilize the surplus fund of their estates in supplementing the deficit in the funds of the estates of the less liberal proprietors. This would mean as the zemindar of Chintapativontu puts it "that those that have not granted the inams are fortunate, whereas those that have granted them are otherwise." This objection, however, will not apply to the proposal contained in these Proceedings, that the inams granted by the zemindars themselves should be returned to them. The Board have accordingly modified section 17 of the Bill rendering the fund available for expenditure throughout the Presidency.

19. It follows from this that the cess should be levied at the same rate in all estates.

The next question then is what should be the rate of cess. The Board regret that as already observed they are not now in possession of data to decide this. But for the purposes of the Act it is only the maximum rate that needs to be specified and this rate may be fixed as follows.

20. In their circular memorandum, dated 23rd May 1874, No. 651, the Board called upon Collectors with reference to paragraph 9 of G.O., dated 12th April 1872, No. 595, to report the number and emoluments of zemindari karnams and a statement prepared from their replies was submitted to Government with Board's Proceedings, dated 27th October 1875, No. 2975. This statement, copy of which is annexed hereto, though incomplete and possibly also not quite accurate gives a tolerably fair idea of the emoluments now enjoyed by the karnams. According to this statement (Statement B), the total emoluments in such estates as are included in it amount to about 4½ lakhs distributed approximately as shown below:—

	LAKHS.
From inams excluded at the time of permanent settlement	...
" other inams	...
" fees and merahs	...
Total	4½

Comparing this with the amount of land-cess contributed by these estates (statement C), namely, about 8 lakhs, it will be seen that a cess of 9 pies in the rupee would be probably ample to meet all requirements. The amount available according to this rate will be about 6¾ lakhs, the ¾ lakhs being approximately the quit-rent on the "excluded" inams. The distribution of this 6¾ among the three parties—the Government, the zemindar and the tenant—may be noted. The peishkash is on an average about ⅓ of the rental (paragraph 13) and according to the land-cess rule the

zemindar can recover half the cess from his tenants (section 73 of Act V of 1884) and get a remission of the other half on an amount equal to the peishkash he pays or ⅓ of or ⅓. The actual distribution between the zemindar and his tenants will thus be as 1 to 2 or 2 to 3, that is, the zemindar will pay ⅔ of 6 or 2.4 lakhs and the tenants ⅓ of 6 or 2 lakhs. In return the zemindar will get 1 lakh, being the assessment on the second class of inams, so that his actual contribution will be 2.4—1 or 1.4 lakhs, and the Government contribution .75 lakhs, being the quit-rent on the first class of inams. These two are very nearly in the ratio of 2:1 which corresponds to the ratio in which the rental is actually shared by the zemindar and Government.

21. Accordingly the maximum rate leviable under the Act may be fixed at 9 pies. But as stated above in paragraph 4 Collectors will be called upon to report—

- (1) The number of karnams required for each estate.
- (2) The average pay for which provision should be made.
- (3) The probable amount of quit-rent realizable by enfranchising the "excluded" karnams' inams.
- (4) The rent value of each estate.

When these reports are received the Board will be in a position to decide the amount required for a complete reorganization of the karnams' establishment and the rate of cess which should be actually levied throughout the Presidency. But in the meantime the Bill will be submitted to Government, revised in accordance with the recommendations made above as regards the constitution of the karnams' fund and the rate of cess.

22. The Board have taken this opportunity of making a few alterations in the other provisions of the Bill which are detailed below.

Preamble.—The Board have included inam villages within the scope of the Bill as the karnams there are much in the same unsatisfactory position as those in zemindaris.

23. *Section 5 (c).*—The words "after any inam village" have been omitted and the word "village" in the same section has been defined so as to include any estate or part of an estate.

24. *Sections 6, 7 and 8.*—The time allowed in the original draft to proprietors to show cause why any part of their estate should not be registered as a separate village was 30 days. The zemindar of Kalahasti however points out that it takes 5 days to get a communication from some parts of his estates and that local inquiries may be necessary in some cases. The Board have therefore allowed 60 days.

25. It seems to the Board that distinct provision may be made in the Act for a complete reorganization of the karnam establishment of any estate to which this Act is applicable being undertaken whenever in the interests of administration this may be thought desirable. Provision has accordingly been made empowering Collectors under the authority of the Board not only to divide large villages, but also to club small ones together whenever it may be considered expedient to do so. The cost of demarcation, in such cases may legitimately be met from the karnams' fund. A clause to this effect has accordingly been introduced.

26. In view of the modifications noted above, section 8 has been placed immediately after section 5, section 9 omitted and the necessary alteration made in section 10.

27. *Section 11.*—In the memorials submitted to the Legislative Council, exception is taken to the proposed withdrawal of the power of appointment of karnams from the proprietors. In all the sanads of permanent settlement it is distinctly stated that the karnams shall be appointed by the proprietor. If the privileges granted by the sanads can be left intact with due regard to the interests of the public service, it should be done: and as it seems to the Board that the appointment of karnams may be left with the proprietor subject to revision by the Collector they would alter section 11 so as to provide that karnams may tender their resignation to the proprietor and that he should send a copy of it and of his order thereon to the Divisional officer.

28. *Section 12.*—The zemindars apprehend that they can exercise no authority over their karnams if they have always to complain to a Revenue officer when a karnam commits a fault. As there is some reason in this the Board would allow proprietors

to fine karnams to the extent of Rs. 3 after inquiry by a decision in writing which would be subject to appeal. For any severer punishment which they may consider necessary, they must go to the Divisional officers. This section has been altered accordingly.

29. *Section 13.*—With reference to the remarks on section 11 that the appointment of karnams may be left with the proprietors, the words "appoint," "appointed," &c., have been substituted for the words "nominate," "nominated," &c.

30. *Section 14.*—This has been altered in accordance with paragraphs 13—16 above.

31. *Section 16.*—The Board doubt whether it would be safe to give proprietors power under Act II of 1864 especially without subjecting them to its penalties. They consider that the analogy of section 74 of the Local Boards Act might be followed and this section has therefore been omitted and fresh provision made accordingly in a new section.

Section 17.—This has been altered in accordance with the recommendations in paragraphs 18 to 21 and an addition has been made, on the suggestion contained in some of the papers submitted to the Legislative Council that any fines recovered under the Act shall be added to the karnams' fund. For the levy of the cess, four new sections have been inserted between sections 16 and 17 of the Bill. These new sections correspond to sections 73—76 of the Local Boards Act.

32. *Section 18.*—A few additions have been made to the duties specified in this section. In clause (i) *V pattas* have been added to the muchilikas. A paragraph has been introduced between clauses xiii and xiv requiring the karnam to help the village munsif in civil and magisterial cases before him by acting as clerk. This duty which is one of importance in Government villages is neglected in zemindaris. Sub-section (2) merely requires that the records should be *open to inspection* by the proprietor; whereas section 12 of Regulation XXIX of 1802 required karnams to produce the records, &c., whenever required by the proprietor or farmer of the lands. The Board have accordingly added the words "or the proprietor" after "district."

33. *Section 19.*—After the word "Act" in the first line, the words "held by an officer of Government" have been inserted in view of the modification proposed in sections 11 and 12.

34. *Sections 20, 21 and 22.*—It is suggested in many of the papers laid before the Legislative Council that appeals should follow the course taken by appeals under Act VIII of 1865, *i.e.*, should go to the District Court and the High Court instead of to the Collector and the Board of Revenue, &c. The Board however do not see any sufficient reason for giving zemindari karnams different treatment from the karnams of Government villages.

35. *Section 23.*—Two clauses have been added to this section giving the Board power to make rules with regard to dividing and clubbing villages and reorganizing the existing karnams' establishment. This is necessary, as many minor instructions will be necessary in carrying out the details of reorganization, which cannot be embodied in the Act.

36. A copy of the Bill showing in parallel columns the present and the proposed provisions is appended to these Proceedings.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

(True Copy.)

(Signed) C. CLARK,
Registrar.

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

Exd. A. Aubert.

STATEMENT A.

Karnams are remunerated—			
(1) By grant of land rent-free.	....	(a) Made prior to permanent settlement. (b) Made subsequent to permanent settlement.	(a) and excluded from the assets on which the peishkash was fixed. (b) not so excluded.
(2) By assignment of assessment of lands.	A, in their own occupation.	(a) { α. β.	{ As in (i). Do.
	B, in others' occupation.	(a) { α. β.	
(3) By fees or mahrals.	Paid by the proprietor ..	(i) As a percentage on the melvaram demand. (ii) As a fixed monthly pay. (iii) As a percentage on the kudivaram share.	
	Paid by the tenants ..	(iv) As a fixed monthly pay for each village. (v) As a percentage on the gross produce.	
	Paid jointly by the proprietor and the tenants.	(vi) At a fixed rate on extent of cultivation. (vii) As a fixed money or grain payment on each village.	

(STATEMENT B).
ABSTRACT statement showing the number and emoluments of Zemindari Karnams.

District.	Number of estates.	Number of villages.	Peishkash.	Deductions made to meet the cost of village establishment.	Number of Karnams.	KARNAMS' EMOLUMENTS.						Land, money and grain.	Grain fees, &c.	Total.
						Land.	Fees.	Land and fees.	Money.	Grain.	Money and grain.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Ganjam ..	57	2,601	Rs. 4,31,005	Rs. 413	1,244	Rs. 11,313	Rs. 337	Rs. 29,390	Rs. 737	Rs. 3,193	Rs. 47	Rs. ..	Rs. ..	Rs. 45,047
Vizagapatam ..	35	2,294	Rs. 9,54,127	Rs. 22,032	3,292	Rs. 81,084	Rs. 122	Rs. ..	(a) 4,172	Rs. 5,459	Rs. 2	Rs. ..	Rs. ..	Rs. 87,008
Godavari ..	101	943	Rs. 7,53,460	Information not available.	934	Rs. 60,406	Rs. 9,268	Rs. ..	Rs. ..	Rs. 4,888	Rs. ..	Rs. ..	Rs. ..	(a) 68,734
Kistna ..	29	248	Rs. 1,96,001	Rs. ..	425	Rs. 7,449	Rs. ..	Rs. ..	Rs. 5,343	Rs. 8,686	Rs. 13,276	Rs. 205	Rs. ..	Rs. 18,823
Nellore ..	4	1,031	Rs. 4,02,297	Rs. ..	1,332	Rs. 7,749	Rs. ..	Rs. ..	Rs. 17,672	Rs. 10,153	Rs. ..	Rs. ..	Rs. ..	Rs. 33,707
Chingelpat ..	182	358	Rs. 1,06,463	Rs. 17,668	339	Rs. 7,749	Rs. ..	Rs. ..	Rs. 3,770	Rs. 19,493	Rs. ..	Rs. 48,630	Rs. ..	Rs. 21,072
North Arcot ..	11	3,084	Rs. 4,85,774	Rs. 31	817	Rs. 7,963	Rs. ..	Rs. ..	Rs. 2,715	Rs. 66	Rs. ..	Rs. ..	Rs. ..	Rs. 78,801
South Arcot ..	4	17	Rs. 8,599	Rs. ..	9	Rs. 190	Rs. ..	Rs. ..	Rs. 559	Rs. 66	Rs. ..	Rs. (c) 252	Rs. ..	Rs. 815
Tanjore ..	13	252	Rs. 31,433	Rs. 7,778	73	Rs. 2,829	Rs. ..	Rs. ..	Rs. 6,063	Rs. (b) 667	Rs. 1,594	Rs. ..	Rs. ..	Rs. 3,275
Trichinopoly ..	6	260	Rs. 51,912	Rs. 18,090	185	Rs. 3,933	Rs. ..	Rs. ..	Rs. 4,167	Rs. 22	Rs. 24,685	Rs. ..	Rs. ..	Rs. 8,892
Madura ..	25	2,407	Rs. 4,96,951	Rs. ..	1,467	Rs. 3,933	Rs. ..	Rs. ..	Rs. 4,671	Rs. ..	Rs. ..	Rs. ..	Rs. 18,346	(a) 32,807
Sivaganga ..	28	710	Rs. 3,08,183	Rs. 9,715	425	Rs. 6,084	Rs. ..	Rs. ..	Rs. 4,671	Rs. ..	Rs. ..	Rs. ..	Rs. ..	(c) 17,458
Tinnevely ..	25	60	Rs. 27,691	Rs. 3,488	25	Rs. 132	Rs. ..	Rs. ..	Rs. 13,003	Rs. ..	Rs. ..	Rs. ..	Rs. ..	Rs. 28,101
Coimbatore ..	129	1,688	Rs. 4,46,698	Rs. 27,915	409	Rs. 132	Rs. ..	Rs. ..	Rs. 63,975	Rs. 52,527	Rs. 39,603	Rs. 49,087	Rs. ..	Rs. 13,135
Salem ..	624	16,031	Rs. 46,99,617	Rs. 1,07,130	10,989	Rs. 1,78,162	Rs. 9,727	Rs. 29,390	Rs. 63,975	Rs. 52,527	Rs. 39,603	Rs. 49,087	Rs. 18,346	Rs. 4,59,602
Total ..														

[Column 7
Half of column 9 1,78,162
One-third of column 13 14,685
Total from land 2,09,220 (Approximately).]

• Excluding Remnad for which information is not available.

• Excluding Remnad for which information is not available.
Under putties 761
Putties, viases 77
Tobacco, viases 104
Chillies, " 127

(a) Includes Rs. 18 in money for sudward.
(b) Exclusive of grain fees to 5 karnams in Singavanam.
(c) Exclusive of 17 mahs. and 82 galls of Ardhmanicur.
(a) Excluding Sivaganga, shown below.
(c) No inam lands in this zemindari vide G.O., dated 6th July 1888, No. 108, Legislative.

C.
STATEMENT of Land-cess charged in Zemindari, Shrotriem and Inam villages.

Districts.	ZEMINDARI.				SHROTRIEM.				Inam.				Total.		
	Amount.		Rate.		Amount.		Rate.		Amount.		Rate.		Amount.		
	RS.	A. P.	AS.		RS.	A. P.	AS.		RS.	A. P.	AS.		RS.	A. P.	AS.
Ganjam	1,06,787	8 2	1		..		..		7,741	5 3	1		1,14,528	13 5	4
Vizagapatam	1,42,509	2 3	1		..		..		38,692	13 3	1		1,81,201	15 6	4
Godavari	83,306	10 1	2		7,853	2 10	2		2,275	7 1	2		93,435	4 0	0
Kistna	60,717	9 7	1		..		..		11,478	7 1	1		72,196	0 8	0
Nellore	59,758	0 0	1		10,315	0 0	1		..		..		70,073	0 0	0
Cuddapah	..	..	..		4,070	6 1	1		150	12 5	1		4,221	2 0	0
Anantapur	..	..	..		..	..	..		2,077	11 0	1		2,077	11 0	0
Bellary	..	..	..		..	..	..		3,015	0 0	1		3,015	0 0	0
Kurnool	..	..	..		..	..	..		1,221	0 0	1		1,221	0 0	0
Chingelput	14,738	0 5	1		..	..	..		17,801	5 5	1		32,539	5 10	0
North Arcot	1,01,169	0 0	1		1,381	0 0	1		4,704	0 0	1		1,07,254	0 0	0
South Arcot	1,534	0 0	1		..	..	..		3,405	0 0	1		4,939	0 0	0
Tanjore	4,323	0 0	1		8,430	0 0	1		29,279	0 0	1		42,032	0 0	0
Trichinopoly	20,410	0 0	1		..	..	..		7,214	0 0	1		27,624	0 0	0
Madura	1,26,738	0 0	1		..	..	..		64,936	0 0	1		1,91,674	0 0	0
Tinnevely	41,941	10 11	..		..	..	..		13,285	1 9	..		55,226	12 8	..
Coimbatore	5,543	0 0	1		..	..	..		935	0 0	1		6,478	0 0	0
Nilgiri	..	..	..		..	..	..		..	..	..		..	..	..
Salem	33,414	0 0	..		..	..	..		9,984	0 0	1		43,398	0 0	0
South Canara	..	..	..		..	..	..		..	..	..		..	..	..
Malabar	454	7 1	2		..	..	..		..	..	..		454	7 1	1
Total	8,03,344	0 6	..		32,049	8 11	..		2,18,195	15 3	..		10,53,589	8 8	..

* Not given.

STATEMENT D.

Estate.	Current demand.	Peishkash.	Percentage.
Parlakimedi ..	Rs. 3,86,092	Rs. 87,800	23
Chinna Kimedi ..	72,722	20,800	29
Jarada ..	23,898	2,000	8
Utlam ..	45,963	12,500	27
Dharakot ..	80,665	24,500	30
Bodagada ..	24,923	4,000	16
Kallikot and Atigada ..	2,50,000	78,900	32
Moringhi ..	46,692	18,500	40
Sripuram ..	19,171	8,800	46
Kapileswarapuram ..	86,000	15,800	18
Kangundi ..	75,949	23,000	30
Gandharvakota ..	35,869	6,600	18
Ramnad ..	8,04,778	3,14,000	39
Saptur ..	38,571	8,800	23
Erumaipati ..	16,172	8,400	52
Shulagiri ..	18,655	5,500	30
Medurn ..	86,000	16,300	19
Marungapur ..	53,000	20,600	39
Mailavaram ..	17,000	4,100	24
Total ..	21,82,120	6,80,900	31.2

No. 6 of 1883.

A Bill to amend the Law in regard to Karnams in Estates permanently settled, &c.

(As amended by the Select Committee).

WHEREAS it is expedient to amend the law relating to karnams in permanently settled estates, and in unsettled pālaiyams, and to make better provision for the speedy disposal of claims to the office of karnam, for the prevention of irregularities on the part of such karnams thereof, for the summary punishment of such irregularities, and generally for securing the efficiency and uprightness of such karnams; It is hereby enacted as follows:—

1. This Act may be called the Madras Karnams Act, 1883.

2. It extends to the territories for the time being administered by the Governor in Council of Fort St. George, except the Scheduled Districts as defined under the Scheduled Districts Act, 1874.

3. It shall come into force on the day of 1883.

4. Regulation XXIX of 1802, (A Regulation for establishing the office of karnam and defining the duties of the said office,) is hereby repealed.

5. In this Act, unless there is something repugnant in the subject or context,—

"Estate" means and includes—

(a) any estate permanently settled under Regulation XXV of 1802;

(b) any unsettled pālaiyam; and

(c) any inam village situated in any estate permanently settled or in any unsettled pālaiyam.

"Proprietor" includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the district, wherein the estate is situated.

"Village" includes any part of an estate entered as such in the said registers.

"Karnam" includes any person for the time being discharging the duties of the office of karnam in any village.

No. 6 of 1883.

A Bill to amend the Law in regard to Karnams in Estates permanently settled, &c.

(As amended by the Board).

WHEREAS it is expedient to amend the law relating to karnams in permanently settled estates, in unsettled pālaiyams, and in whole inam villages, and to make better provision for the speedy disposal of claims to the office of karnam, for the prevention of irregularities on the part of such karnams thereof, for the summary punishment of such irregularities, and generally for securing the efficiency and uprightness of such karnams; It is hereby enacted as follows:—

1. This Act may be called the Madras Karnams Act, 1883.

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(a) any estate permanently settled under Regulation XXV of 1802;

(b) any unsettled Pālaiyam; and

(c) any inam village.

"Proprietor" includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the District, wherein the estate is situated.

"Village" includes any estate or part of an estate entered as such in the said registers.

"Karnam" includes any person for the time being discharging the duties of the office of karnam in any village.

(Vide 8 below).

6. (1) Whenever it appears to the Collector of the district that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, he may, by notice in writing, require the proprietor of such estate to show cause, within thirty days after service of such notice, why such part should not be so registered.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, by notification in the District Gazette, declare such part of the estate to be a village, define its limits and enter it as a village in his register, and shall cause such notification to be published in the said village.

6. Every proprietor shall within ninety days after this Act comes into force, prepare a register in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the District, and shall keep a copy thereof.

7. (1) Whenever it appears to the Collector of the District that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, or several small villages should be clubbed together, he may, by notice in writing, require the proprietor of such estate to show cause, within sixty days after service of such notice, why such part should not be so registered or such villages so clubbed together.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, and under the guidance of such rules as may be laid down by them in this behalf, declare by notification in the District Gazette, such part of the estate or such several villages to be a village, define its limits and enter it as a village in the A-form register of the estate kept in his office and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor.

(3) The cost of all proceedings as aforesaid shall be paid from the Karnams' Fund which will be constituted as hereinafter stated.

7. (1) Every proprietor shall, on the requisition and subject to the approval of the Collector of the district, nominate for every village in his estate a duly qualified person, who shall be called the karnam.

(2) Provided that no person shall be employed as karnam of more than one village without the sanction of the Collector.

(3) If any proprietor neglects for thirty days after such requisition to nominate a duly qualified person, the Collector of the district may employ a duly qualified person to be the karnam.

8. Every proprietor shall within ninety days after this Act comes into force, prepare a register in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the district, and shall keep a copy thereof.

9. All changes and additions rendered necessary in carrying out the provisions of this Act shall, from time to time, be duly entered in such register by the Collector and in the copy thereof by the proprietor.

10. Any proprietor who omits to furnish the register or to keep a copy thereof, as provided by section 8 or

8. (1) Every proprietor shall, on the requisition and subject to the approval of the Collector of the District, nominate for every village in his estate a duly qualified person, who shall be called the karnam.

(2) Provided that no person shall be employed as karnam of more than one village without the sanction of the Collector.

(3) If any proprietor neglects for thirty days after such requisition to nominate a duly qualified person, the Collector of the District may employ a duly qualified person to be the karnam.

(Vide 6 above).

9. Any proprietor who omits to furnish the register or to keep a copy thereof, as provided by section 6 or to have entered therein the

to obey the directions of section 9, shall be liable to a fine not exceeding Rs. 100 for every such offence, and to a further fine not exceeding Rs. 50 for every day during which the offence is continued after such fines; and such fines and any other sums, payable by the proprietor under this Act,

Fines, &c., how recoverable. shall be recoverable in the manner provided in Act II of 1864 of the Madras Code for the recovery of arrears of revenue.

11. Any karnam may tender his resignation through the proprietor to the Revenue officer in charge of the division of the district, wherein the village is situated, and, on the acceptance of his resignation, such karnam shall be deemed to have vacated his office.

12. The Revenue officer in charge of the division of the district, wherein any village is situated, may, on complaint made by the proprietor or otherwise, and after due inquiry, by a decision in writing, fine, suspend or dismiss any karnam for incapacity, neglect of duty, or other just cause.

13. (1) If the office of karnam in any village becomes vacant, the proprietor shall at once nominate a person having such qualifications as may be from time to time prescribed by the Board of Revenue under section 23 of this Act to be the karnam, and shall submit a nomination roll, in such form as the Board of Revenue may from time to time prescribe in that behalf, to the Revenue officer in charge of the division of the district wherein such village is situated.

(2) Such Revenue officer shall thereupon issue a notice in writing to the inhabitants of the village concerned to show cause within a month why the person nominated by the proprietor shall not be appointed to the office of karnam. Provided that the person nominated as aforesaid shall discharge the duties of the office of karnam until a decision shall be passed in the manner hereinafter provided.

(3) After hearing the objections, if any, to the nomination made by the proprietor, and after holding such further inquiry as may be necessary for ascertaining, in accordance with the rules framed under section 23, the proper person to be appointed as karnam, such Revenue officer shall decide who is the proper person to be appointed as karnam, and shall submit a copy of his decision for the information of the Collector of the District.

(4) The person is whose favor a decision is passed as aforesaid shall, until such decision is reversed, be deemed to be the karnam.

changes or additions notified under section 7, shall be liable to a fine not exceeding Rs. 100 for every such offence, and to a further fine not exceeding Rs. 50 for every day during which the offence is continued after such fine; and such fines and any other sums, payable by the proprietor under this Act, shall be recoverable in the manner provided in Act II of 1864 of the Madras Code for the recovery of arrears of revenue.

10. Any karnam may tender his resignation in writing to the proprietor and, on the acceptance of his resignation, such karnam shall be deemed to have vacated his office. When the resignation is accepted the proprietor shall forthwith send a copy of it and his order thereon to the Revenue officer in charge of the division of the district, wherein the village is situated.

11. The Revenue officer in charge of the division of the district, wherein any village is situated, may, on complaint made by the proprietor or otherwise, and after due inquiry, by a decision in writing, fine, suspend or dismiss any karnam for incapacity, neglect of duty, or other just cause. For minor faults it will be competent to the proprietor to fine a karnam to the extent of Rs. 3, after inquiry and by a decision in writing. Such decision shall be subject to appeal to the Revenue officer aforesaid.

12. (1) If the office of karnam in any village becomes vacant, the proprietor shall at once appoint a person having such qualifications as may be from time to time prescribed by the Board of Revenue under section 25 of this Act to be the karnam, and shall submit an appointment roll, in such form as the Board of Revenue may from time to time prescribe in that behalf, to the Revenue officer in charge of the division of the district wherein such village is situated.

(2) Such Revenue officer, if he has reason to think that the appointment is objectionable, may at any time within three months from the date of the receipt by him of the appointment roll issue a notice in writing to the inhabitants of the village concerned to show cause within a month why the person appointed by the proprietor shall not be karnam. Provided that the person appointed as aforesaid shall discharge the duties of the office of karnam until a decision shall be passed in the manner hereinafter provided.

(3) After hearing the objections, if any, to the appointment made by the proprietor, and after holding such further inquiry as may be necessary for ascertaining, in accordance with the rules framed under section 25, the proper person to be karnam, such Revenue officer shall decide who is the proper person to be karnam, and shall submit a copy of his decision for the information of the Collector of the District.

(4) If within one month after the occurrence of a vacancy, the appointment roll referred to in sub-section (1) is not received by the Revenue officer, aforesaid, such officer may proceed to appoint a karnam himself.

(5) The person in whose favor a decision is passed under sub-section (3) or who has been appointed under sub-section (4) shall, until such decision or appointment is reversed, be the karnam.

Emoluments of Karnam.

14. (1) If the emoluments of the office of karnam consist, in whole or in part, of land, the Inam Commissioner may enfranchise the tenement in favor of the person, in possession of the land, by imposing a quit-rent equal to five-eighths of the assessment, which would be payable in respect of such land under the rules of the Revenue Settlement Department.

(2) If such emoluments consist, in whole or in part, of the assessment of land, the Inam Commissioner may in like manner enfranchise the tenement in favor of the person in possession of the land, the assessment of which constitutes the emoluments as aforesaid, by imposing a quit-rent equal to the amount of such assessment.

(3) Provided that if the person in possession of such lands is not the karnam, the Collector may impose the full assessment upon such lands.

15. The proprietor shall collect the assessment aforesaid and pay it to the Collector of the District in the same manner and at the same time as the revenue payable by him in respect of his estate. Provided that the proprietor shall be entitled to a deduction of 10 per cent. of such assessments by way of compensation for such collection and payment.

Emoluments of Karnam.

13. (1) If the emoluments of the office of karnam consist, in whole or in part, of land, the Inam Commissioner may enfranchise the tenement in favor of the person, in possession of the land, by imposing a quit-rent equal to five-eighths of the assessment, which would be payable in respect of such land under the rules of the Revenue Settlement Department. Provided that if the person in possession of such lands is not the karnam, the Inam Commissioner may impose a quit-rent equal to the full assessment upon such lands.

(2) If such emoluments consist, in whole or in part, of the assessment of land, the Inam Commissioner may in like manner enfranchise the tenement in favor of the person in possession of the land, the assessment of which constitutes the emoluments as aforesaid, by imposing a quit-rent equal to the amount of such assessment.

(3) Provided that the enfranchisement as aforesaid shall not apply to those emoluments which were not in existence at the time of permanent settlement.

14. The proprietor shall collect the quit-rent aforesaid and pay it to the Collector of the District in the same manner and at the same time as the revenue payable by him in respect of his estate. Provided that the proprietor shall be entitled to a deduction of 10 per cent. of such assessments by way of compensation for such collection and payment.

15. Every proprietor shall pay to the Collector or other officer empowered by him to receive it, as karnam-cess, such

Karnam cess payable by proprietor. amount as the Board may decide, not exceeding 9 pies in the rupee

on the annual rent value of all occupied land in his estate on or before such dates and in such instalments as the Collector, under the general orders of the Board of Revenue, may by notification declare. Provided that in the case of land occupied by tenants, it shall be lawful for the proprietor to collect and recover from his tenant one-half of the amount payable in respect of the land so occupied.

16. The proprietor shall have and exercise in the collection of such assessment all the powers and privileges of the Collector under Act II of 1864 of the Madras Code.

16. Every proprietor shall, in collecting or recovering the portion which may be due to him, under the proviso to the last preceding section or the quit-rent referred to in section 13, be entitled to exercise the same powers as may, under any Act or Regulation which now is, or hereafter

may be, in force, be exercised by any proprietor in the collection and recovery of rent, and shall be liable to all the penalties prescribed therein for the abuse of such powers.

17. Every proprietor shall be entitled to a remission of one-half of the cess payable by him on so much of the whole annual rent value of his land as is equal to the amount of the revenue payable by him to Government in respect of such land. Provided that the amount recoverable by such proprietor from his tenants under the proviso to section 15 shall be calculated upon the whole amount which would have been payable to Government if no such remission had been allowed.

18. When any proprietor shall, on the date fixed by the Collector under section 15, have failed to pay, either in whole or in part, the cess due by him in respect of his estate, the said cess or such part of it as remains unpaid shall be recoverable in the same manner as if it were an arrear of revenue under Act II of 1864.

17. (1) The net proceeds of the assessment shall constitute a separate fund to be called the Karnam's Fund of the estate. Such fund shall be lodged in the District Treasury, and shall be under the control of the Collector of the District.

(2) The karnams employed in the estate shall be paid from the said fund the salaries to which they may be entitled to according to such scale as may from time to time be fixed by the Board of Revenue. If any surplus remains, the Collector shall divide it rateably amongst the Karnam's Funds of such estates in the district as show a deficit.

Duties of the Karnam.

18. (1) (i) The karnam shall keep complete registers of the extent of the lands in each village, specifying the boundaries and landmarks, and showing their appropriation, viz., arable, cultivated and uncultivated, pasture occupied for houses, gardens, rivers, tanks, springs or wells, waste in hills, jungle or rocks.

(ii) The said registers shall specify the extent and description of land in each village exempt from paying revenue to Government at the time when the permanent assessment was fixed, the purposes to which the exempted lands are appropriated, and the names of the holders of such lands.

(iii) The said registers shall further specify the lands in each village exempted by grants or sanads from paying revenue to Government, the purposes for which such lands were granted, the condition of the grant, and the names of the holders.

(iv) The karnam shall report to the Collector of the District and the proprietor the death of all holders of lands exempted from the payment of revenue to Government.

(v) The karnam shall be present at the estimation of the crop, at the beating out and at the measuring of the grain, and shall attest the muchilicas executed by raiyats in favor of the proprietor or his assigns.

19. (1) The net proceeds of the assessment on the inams enfranchised under section 13, of the cess levied under sections 15—17 together with any fines recovered under this Act shall constitute a fund to be called the Karnam's Fund. Such fund shall be lodged in the District Treasuries, and shall be under the control of the Collectors subject to the general orders of the Board of Revenue.

(2) The karnams employed in the estates shall be paid from the said fund the salaries to which they may be entitled to according to such scale as may from time to time be fixed by the Board of Revenue.

Duties of the Karnam.

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(iv) The karnam shall report to the Collector of the District and the proprietor the death of all holders of lands exempted from the payment of revenue to Government.

(v) The karnam shall be present at the estimation of the crop, at the beating out and at the measuring of the grain, and shall attest the muchilicas executed by raiyats in favor of the proprietor or his assigns and the patillas which are the counterparts of the muchilicas.

(vi) The karnam shall keep true accounts of the gross produce of all lands, whether paying revenue to Government or not, where the produce of such lands may be shared between the proprietor and the raiyat, and shall also enter in his registers the quantity of grain so divided, as well as the rates of division.

(vii) The karnam shall enter in his registers the rates and amount of all fees and méras appropriated to the officers and servants of the villages, specifying whether such fees and méras are payable from the gross produce of the entire lands, from the proprietor's share, or from the raiyat's share.

(viii) Where lands may be liable to pay money rents, the karnam shall keep registers of the extent of land cultivated and of the rates and amount of the money rents.

(ix) The karnam shall keep registers of the land cultivated in gardens and of the rates and amount of the division of the produce of such lands when the produce may be divided in kind.

(x) The karnam shall keep registers of the quit-rent and ready-money payments collected in each village.

(xi) The karnam shall keep monthly registers of the price of all kinds of grain.

(xii) The karnam shall keep registers of strangers passing or repassing as reported to him by the village-watchers, and such registers shall at all times be open to the inspection of the Officers of Police.

(xiii) The karnam shall keep the accounts exhibiting the actual revenue and charges of the village and the records of his office.

(xiv) The karnam shall keep and furnish such registers, accounts and other records as the Collector of the District, subject to the general orders of the Governor in Council and of the Board of Revenue, may from time to time prescribe.

(xv) The karnam shall prepare, whenever directed by the Collector of the District or by any person duly authorized by the Collector in that behalf, all writings which are necessary for the use of Government or other lawful authority.

(2) The registers, accounts, statements and other writings kept by the karnam shall at all reasonable times be open to the inspection of any servant of Government or of the proprietor, duly authorized in writing in that behalf, or any person owning or cultivating land in the village, and shall be produced by the karnam before the Collector of the District or any person authorized in that behalf by any law in force for the time being, or by the Collector of the District, at such times and places as the Collector of the District or such person may direct.

(3) The karnam shall be deemed to be a public servant within the meaning of the Indian Penal Code and

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(xiv) The karnam shall act as clerk in civil and magisterial cases before the village munsif.

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REVENUE DEPARTMENT.

1888.

Board of Revenue

(Land Revenue),

MADRAS.

C. No. 174-7/1888

Printed January 11th, 1889.

Proceedings, 18th Dec. 1888, No. 1024.

Submitting remarks on the Zemindari Karnams' Bill.

BOARD OF REVENUE (LAND REVENUE), 18TH DECEMBER 1888, No. 1024.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

THE FULL BOARD.

READ—the following G.O., dated 16th April 1888, No. 270, Revenue:—

Read—the following G.O., dated 14th January 1888, No. 4, Legislative:—

ABSTRACT.—Communicating paragraph 6 of His Excellency the Governor's minute to the Select Committee on Malabar Evictions and Waste Lands Bill, and directing that the Karnams' Bill, No. 6 of 1883, referred to in paragraph 13 of the minute, be removed from the list of business, leaving the question of preparing a new Bill on the lines contemplated in Revenue G.O., No. 823 of 1885, for consideration in the Revenue Department.

Order—dated 16th April 1888, No. 270, Revenue.

Miscellaneous.

The Board of Revenue are requested to submit a revised Bill containing provisions for the levy of the village service

cess in zemindaris and whole inam villages as contemplated in G.O., dated 15th July 1887, No. 823, R.D.

2. On reconsideration the Government are of opinion that the proviso to section 14 of the present Bill, which in the Government Order above referred to was ordered to be expunged, should be retained, as it is desirable that the settling officer should have power to impose full assessment in cases in which the holder of the inam proposed to be enfranchised is not entitled to enfranchisement on favorable conditions. The Government are also of opinion that in apportioning the village service cess between the zemindar and the ryot, the rule laid down in sections 73 and 75 of Madras Act V of 1884 should be adopted.

3. The file of papers received from the Legislative Department containing remarks and suggestions on the Bill will be forwarded to the Board for consideration in connection with the revised Bill now called for.

(True Extract.)

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

To the Commissioners of Land Revenue, with file of papers.
„ Legislative Department.

READ—the following G.O., dated 3rd July 1888, Mis. No. 3850, Revenue:—

Read—the following G.O., dated 21st May 1888, No. 1162, Judicial:—

Read—again the following paper:—

G.O., dated 16th December 1887, Mis. No. 2862, Judicial.

Read—the following petition from the landholders of Tinnevely, to His Excellency the Right Honorable the Governor of the Presidency of Fort St. George, dated 21st October 1887:—

The humble request of the landholders of the Tinnevely district is put forth thus:—

1. From the coronation of our Gracious Queen and Empress of India, all Her subjects of India have been prospering under Her Majesty's benevolent administration. But though we have been enjoying many rights concerning our lands after the tim

of the settlement, we have yet been suffering under some important concern. As we have long been expecting your Excellency's visit to this place, hoping that we shall then have our grievances redressed directly by your Excellency, we want to make the best use of your Excellency's presence.

2. We have been paying, with no dislike, our many taxes imposed upon us by the Government, in addition to what we have been paying for our lands, the fruit of which we have been duly enjoying though not without grievances.

3. We enjoyed much prosperity before the settlement by certain favorable arrangement. But since its introduction we have been paying our taxes even for such lands as have not been brought under cultivation by the unfitness of the season or by some other mischance, while most of the adjacent lands have been cultivated only in due season. In addition to this, we not only lose what we spend in this cultivation, but are also forced to pay the tax with no remissions, in case of the failure of one of the crops, while we get remissions only in case of the total failure of the two crops.

4. The road cess collected from villagers in addition to the land tax is chiefly, we think, intended for public good, i.e., specially for the repairs of roads or making convenient roads where there is necessary to the respective villages from which it is collected. The fund collected from villages, instead of being used for the benefits of the villages, is used by Government in various other ways, without the least amount of benefit to the villages.

The villages suffer great amount of difficulties from want of roads, or repairs of roads if there happens to be any, for the free passage to cattle, bullocks, and bandies to carry manures to the fields, to bring paddies from fields not only in rainy season, but also in other times. Not even a little portion of the tax they receive is spent for their benefits. We pray therefore your Excellency will be graciously pleased to take to your Excellency's benign consideration all their cravings and thus relieve them.

5. We humbly pray that your Excellency may notice all the following matters and may be pleased to pass favorable orders :—

(I) That we should get proper remission even in case of the failure of one of the crops of those lands which are twice cultivable every year.

(II) That we should get remissions also for such small pieces of land as become incapable of cultivation owing to the want of sufficient and proper water-supply.

(III) That your Excellency may be pleased to favor us with the enforcement of the Criminal Tribes Act against the most troublesome Maravers (criminal class) of the district in respect of damage to crops sustained by the landlords, and numerous heinous crimes, such as dacoities, robberies and burglaries often committed by them, and to augment the police force of the district for the safety of our person and property so that the ryots may not be obliged to resort to the kudikaval system now abolished.

(IV) That no member of the said dismissed kudi-kavalgars should be given any appointment at all, either of talayari or of vettian.

No. 7102.

With reference to their requests in clauses I, II and IV of paragraph 5, the petitioners are referred to the local authorities.

2. The request contained in clause III will be considered in the Judicial Department.

(By Order.)

(Signed) H. A. STUART,
Under Secy. to Govt.

FORT ST. GEORGE,
19th November 1887.

To the Judicial Department, with petition.

Order—dated 16th December 1887, Mis. No. 2862, Judicial.

The petition, dated 21st October 1887, will be referred to the Inspector-General of Police and to the District Magistrate of Tinnevely for remarks, with reference to the requests in clause III of paragraph 5. Mr. Lee-Warner, District Magistrate of Chingleput, will also be requested to submit his opinion thereon. The report called for in paragraph 19 of G.O., 26th September 1887, No. 2198, from the District Magistrate of Tinnevely, should be expedited.

(True Extract.)

(Signed) H. E. STOKES,
Chief Secretary.

READ—also the following papers :—

From the Magistrate of the Chingleput district, dated Saidápet, 24th January 1888, No. 13—G. and B.

From the Acting District Magistrate of Tinnevely, dated Tinnevely, 18th April 1888, No. 460.

From the Acting Inspector-General of Police, dated Madras, 21st April 1888, No. 2179.

Order—dated 21st May 1888, No. 1162, Judicial.

In clause III of paragraph 5 of the petition from certain landholders of Tinnevely recorded in G.O., 16th December 1887, No. 2862, two requests are made, viz., first, that the Criminal Tribes Act should be enforced against the Maravers of the district of Tinnevely, and, second, that the police force of the district should be increased. The foregoing papers are replies received from officers to whom these requests were referred for remarks.

2. As regards the first request, the Government agree with the officers consulted that the enforcement of the Criminal Tribes Act, 1871, against the Maraver tribe, is altogether impracticable. The adoption of such a step would require legislation and could not be justified, and in considering the petition above referred to, the Government put this part of the prayer out of the question.

3. The matters connected with the second request and referred to in the foregoing papers are chiefly two—the management of the village police and the strength of the district force. Taking the latter first, the Government are of opinion that a good case for increasing the strength of the force has been made out. The Inspector-General of Police will take up the Tinnevely district first in connection with the suggestions recently made in paragraph 3 of G.O., 7th March 1888, No. 595, and will submit proposals for providing an inspector for every division and a head constable for every station. Additional constables should also be given where necessary, and the proposals for this district should be submitted in advance of the general scheme, or the taluks of Tenkási, Nángunéri and Ambásamudram may be separately dealt with.

4. The Government are not prepared to make the talayaries or Government kavalgars police officers under the Act, but they agree that this class of village officers should be brought under the partial control of the District Superintendent. The Superintendent should always be consulted before the appointment of a talayari is made, and his proposals to remove any talayari should receive the careful consideration of the Collector. The increase of pay which the village police may receive in the revision of village establishments will improve their position and make their office better worth having and themselves more careful in attending to their duties.

5. As Mr. Stevenson is now in Tinnevely, he may be able to introduce some part of the system, said to have been so successful in North Arcot, for encouraging and maintaining control over the talayaries. The Government fear there would be difficulty in adopting the District Magistrate's suggestion regarding the application of the provision of Madras Act III of 1882, and doubt the necessity of the measure.

6. As regards the employment by the ryots of kudi-kavalgars, nothing can be done. Of course, such active breaches of law as exaction and terrorism can be punished, as pointed out in G.O., 30th November 1881, No. 1843, Revenue Department. The kavalgars in zemindari and devastanam villages can only be touched by extending the Village Cess Act to zemindaris, when the cess would take the place of the swatantrams and the establishment could be reorganized. It seems desirable that this should be done, and the matter will be referred for consideration in the Revenue Department in connection with the question of a new Bill for karnams in zemindari tracts which formed the subject of paragraph 4, G.O., Legislative, 14th January 1888, No. 4.

(True Extract.)

(Signed) H. E. STOKES,
Chief Secretary.

To the Revenue Department.
Inspector-General of Police.
District Magistrate, Tinnevely.
Chingleput.

Order—dated 3rd July 1888, Mis. No. 3850, Revenue.

Communicated to the Board of Revenue in continuation of G.O., dated 16th April 1888, No. 270, Revenue. They will also submit their remarks on the question referred to in paragraph 6.

(True Extract.)

(Signed) H. A. STUART,
Under Secy. to Government.

To the Commissioners of Land Revenue.

RESOLUTION—dated 18th December 1883, No. 1024.

In the first of the Government Orders read above the Board are requested to submit a revised Zemindari Karnams' Bill, containing provisions for the levy of the village service cess in zemindaris and whole inam villages as contemplated in G.O., dated 15th July 1885, No. 823, Revenue.

2. In the later Government Order the Board are requested to submit their remarks on the question of extending the Village Cess Act bodily to zemindaris, chiefly as a means for preventing the exactions and terrorism of the kavalgars.

3. This latter question of extending the Village Cess Act to zemindaris and reorganizing the entire village establishments therein is an important one and formed one of the alternative proposals made by the Board in their Proceedings, dated 18th May 1885, No. 1451; but most of the Collectors who reported in 1874-75 on the question were opposed to the measure. Such of them as advocated it did so on the grounds mainly that it would (1) ensure payment of the emoluments of village servants and (2) make it possible to enforce the performance of duties for which they were remunerated, but the testimony of the Revenue officers generally was to the effect that there was in reality no room for complaint on either of these points except as regards karnams; and several practical difficulties were also urged against the introduction of the measure (paragraph 14 of Board's Proceedings, dated 27th October 1878, No. 2975). To the difficulties therein specified may be added this, that in the absence of a regular survey and settlement, and most zemindaris are unsurveyed, it would be practically impossible to introduce the Cess Act and reorganize the village establishment therein. It was partly on account of these difficulties, but mainly because there were no complaints either by or against the other village officers, while the position of the zemindari karnams was unsatisfactory in many ways owing chiefly to their anomalous legal status and was complained of universally, that the Board limited their consideration in the draft Bill submitted with their Proceedings of 1875 to amending the law so far only as it related to karnams.

4. Circumstances have not changed very materially since then so far as the other village officers are concerned. As regards the kudikaval system obtaining in the Tinnevely and adjacent districts there is no question but that its ultimate suppression should be kept in view and that the first step to be taken in that direction should be to abolish the swatantram fees in zemindaris by extending the Cess Act to them. Yet seeing that this extension implies consideration of several circumstances, some of which are referred to in items 3—7 of paragraph 14 of Board's Proceedings of 1875 and on most of which full and detailed information will have to be obtained from Collectors; that this reference to Collectors will involve great delay; that it is desirable to get the Karnams' Bill pushed on as speedily as possible; that the extension of the Village Cess Act to zemindaris may well form a subject for consideration by itself and for separate legislation should such be deemed necessary when the question is ripe for decision; the Board resolve to submit the Bill revised only with reference to the Government Order first read at the head of these Proceedings; but at the same time to call upon all Collectors to report on the larger question of extending the Cess Act to zemindaris, furnishing for each zemindari information on the following points:—

- (1) The number of existing village officers other than karnams.
- (2) The number which it is desirable to maintain.
- (3) The existing remuneration of these officers.
- (4) The assets which would be available in the shape of quit-rent on inams.

5. Even as regards the Karnams' Bill, the Board are not as yet in a position to recommend a definite rate at which the cess should be levied; but as for the purposes of the Act only the maximum rate need be fixed, the Board have not thought it necessary to keep back the Bill until the information as to the rate actually to be levied is obtained. This information, however, will be called for immediately and it is hoped that by the time the Bill is passed and the Act is ready to be introduced the Board will be able to fix the rate which should be actually levied.

6. Before passing to the Bill the Board wish to observe with reference to the second Government Order read at the head of these Proceedings and as an additional reason why the Board have resolved not to delay the submission of the revised Bill till they should be in a position to make definite recommendations about extending the Cess Act, that while they admit that the kaval system is a relic of unsettled times and consequently behind the age and that it is open to great abuse, they are also of opinion that its suppression should be gradual. In saying this it is not alone the practical impossibility of suppressing their influence all at once that the Board have in view. They are of opinion and their opinion is based on personal knowledge that the system is not an unmixed evil. A very large percentage of the detection of crime in the rural parts of the country is due to the exertions of the kavalgar class and though disposed occasionally to trade upon their power they perform a useful function which in the present state of the country it would be inexpedient to forego, even if the finances would permit of their being completely replaced by equally efficient agency.

7. Turning now to the Bill, the first and most important point for consideration is the constitution of the karnams' fund. It is mainly with a view to the consideration of this point that the Bill has been referred to the Board.

8. In the draft Bill submitted by the Board in 1879 the question of the emoluments of karnams was not touched at all. It was seen from the reports received from Collectors and others that there was no complaint on the score of the emoluments of the karnams being insufficient; and though it appeared that in some estates the number of karnams was not sufficient it was reported that there would be no difficulty in getting a sufficient number provided. The Board accordingly limited their consideration to making only such provision as was considered necessary for bringing the zemindari karnams under the control of the Revenue officers.

9. When however the Bill was introduced in the Legislative Council in 1883 by the Honorable D. F. Carmichael provision was made for the determination of village units and the appointment of a karnam for each such village and in view to finding funds for the remuneration of the additional karnams which this provision might necessitate

it was proposed to enfranchise the karnams' inams and form a karnam fund out of the quit-rents. It was believed by the Honorable mover that the aggregate of the quit-rents would suffice to place the karnamship of each village in a zemindari on a satisfactory footing, the karnam being allowed (this provision should be specially noted) in addition to the salary paid to him out of the fund, to receive the fees in money or in kind which are due to him at the harvest and on other occasions from the ryots. This last provision which permits the continuance of the fees did not, however, find a place in the Bill; and though it is not specially referred to in the subsequent reports on the Bill by the Select Committee nor in the G.O., dated 15th May 1884, No. 2063, in which the Board were asked to report the probable value of the karnams' fund, it is presumed from the absence of any provision in the Bill similar to section 6 of Act IV of 1864 that it was the intention of the Select Committee as well as of Government that the fees and merahs should be continued.

10. In replying to the Government Order last quoted above the Board reported that the proceeds of enfranchisement would not be sufficient and that therefore either the village service cess should be introduced or a cess similar to the land cess, to be borne equally by the zemindar and his tenants, the former getting in return the proceeds of enfranchisement of the karnam inams and the latter being relieved of the merahs now paid by them.

11. Government in their Order, dated 15th July 1885, No. 823, Revenue, suggested that the apportionment of the cess between the zemindar and his tenants should be in the ratio of 1:3 on the ground that as the cess would supersede the merahs which were deductions from the gross produce the distribution of the cess should be according to the shares of the gross produce that, it was estimated at the time of permanent settlement, fell to the zemindar and the tenant, respectively. This latter ratio was taken by Government to be 1:3 assuming apparently that out of the zemindar's share of the gross produce (theoretically one-half) the zemindar paid $\frac{2}{3}$ (the theoretical proportion) to Government.

12. In their subsequent order, however, now under reply Government have directed that the apportionment should follow the rule laid down for the land-cess. This rule would give the same result as the rule of proportion ordered in the previous Government Order if the theoretical proportion $\frac{2}{3}$ noted above represents the shares in which the rental is actually divided between the zemindar and Government. But, when it is remembered that the permanent settlement in the case of some estates was, not with reference to the assets, so much as with reference to the fact that the proprietors were absolved from the obligation of rendering military service (e.g., Venkatagiri—G.O., dated 16th January 1884, No. 2249) that even in those cases in which the settlement was based on the assets the same proportion was not adopted and that since the permanent settlement the rental actually received by the zemindar has greatly increased while the peishush remains constant, it will be seen that the ratio of the peishush to the rent value of an estate will, while ranging between very wide limits, be in most cases considerably less than $\frac{2}{3}$. Taking some of the principal estates now under the management of the Court of Wards it is seen that this ratio ranges between 8 per cent. in the case of Jarada and 52 per cent. in the case of

* Vide statement D.

Erumaipati, the average for 19 zemindaris being under $\frac{1}{3}$. The effect of this will be that when the land cess mode of apportionment is adopted the ratio of the landlords' share to the tenants' will be greater than 2 to 3.

13. The question then arises—How is the zemindar to be compensated for this large proportion of cess which he is to be called upon to pay? In their Proceedings of 1885, the Board suggested that in the event of a cess similar to the land-cess being levied, the zemindar should take the proceeds of enfranchisement of the karnams' inams. Though Government have not either in the Government Order of 1885 or in the Government Order under reply expressed an opinion on this point, the Board presume that the Government will see the propriety of compensating the zemindar to some extent. The land-cess was a new tax both on the zemindar and the tenant and was made to fall therefore more or less equally on both parties. But the cess now proposed to be levied is in lieu of an existing charge and its relative

incidence must as far as possible be in proportion to the charges now actually borne by the parties. In the case of the tenants the cess will replace the merahs now paid by them. There should be a corresponding relief to the zemindar. It is true that he will not have to pay the fees that he now pays but the fees paid to karnams are not in all cases deductions from the gross produce. In some cases the zemindar has granted inams in lieu of his share of the fees and in these cases unless he is allowed to resume the inams or at all events to take the proceeds of their enfranchisements, in the event of these inams being also enfranchised, he will obtain no relief at all and the cess will *pro tanto* become an entirely new tax on him. The mere discontinuance of the existing fees may be no relief to the landlord in some cases and be a very insufficient relief to the zemindar. Such being the case the question arises what would be adequate relief to the zemindar? This question is, however, by no means capable of a satisfactory general solution, owing to the very varied ways in which karnams are remunerated in the different estates.

14. The various modes obtaining in the several estates are reducible to the following heads (shown in detail in statement A).

I. Grants of land, rent-free, made—

- (1) Prior to the permanent settlement, &c.
 - (a) Excluded from the assets on which the peishush was fixed, or
 - (b) Not so excluded.
- (2) Subsequent to the permanent settlement.

II. Assignments of assessment on lands—

- (1) in the occupation of karnams, or
- (2) in the occupation of others.

Sub-divided as in case I.

III. Fees or merahs—

- (1) Paid by proprietors.
- (2) Do. tenants.
- (3) Paid jointly by both.

Each estate has its own "mamul" in this respect and it would be no easy matter to determine in each case in what proportion the karnam's total remuneration falls on the zemindar and on his tenants. Even if this determination were possible, it would not be of much use unless the apportionment of the cess is to be different for different estates—a very undesirable and inconvenient thing in a tax.

15. In these circumstances only an approximation is possible and it seems to the Board that it would be a sufficient return to the zemindar if in addition to being relieved of the obligation to pay the existing salaries and fees he is allowed to take back the inams granted by him subsequent to the permanent settlement as well as such of the prior inams as were not excluded from the assets on which the peishush was fixed at the time of permanent settlement (*vide* sanads quoted by the Zemindars of Kālahasti and Venkatagiri in G.Os., Nos. 3 and 22, dated 10th January 1884 and 16th January 1884, Legislative). An additional reason in favor of this last proposal is that the Government have strictly no claim to these inams, as even the subsequent inams are not of the nature of the grants prohibited in section 12 of Regulation XXV of 1802. These inams may have been granted to make up deficiency in the emoluments of the regular and established number of karnams at the time of permanent settlement (section 11 of Regulation XXV of 1802) or to provide for additional karnams subsequently appointed (section 2 of Regulation XXIX of 1802). The case is different, however, with the prior inams excluded as such at the time of permanent settlement. These are Sirkar or Government grants and may be disposed of by Government as they think proper. If these are therefore enfranchised and the proceeds of enfranchisement added to the cess, the karnams' fund would be contributed to by the Government and the zemindar very nearly in the proportion in which the rental is actually divided between them (paragraph 20 *infra*).

16. In regard to the inams which it is proposed to give back to the zemindar the question will arise whether the zemindar should be allowed to deal with them as he chooses and the law will allow or whether the benefits of enfranchisement should be extended to the holders of these inams considering that the services for which they

10 approximately

were granted are now to be otherwise paid for, and that the grantor may therefore fairly claim them back again. The Board are in favor of the former alternative. So much as to the constitution of the fund.

17. The next question is, what should be the rate of cess.

The answer to this question will depend on whether the karnam's fund should be different for the different estates or districts, or should be one for the whole Presidency.

18. In the Bill drafted by the Select Committee it is proposed to have a karnam fund for each estate with the proviso that the surplus fund of one estate may be utilized in those estates of the district which show a deficit. This restriction corresponds to the restriction now placed on the utilization of the Village Service Fund. But considering that this latter restriction necessitates irregularities of taxation which are undesirable in themselves and has always been felt as a serious obstacle in the way of rendering the village service uniformly efficient in all districts that the Board have repeatedly urged on Government the desirability of abolishing it that Government in their recent order, dated 1st September 1888, No. 615, have at last approved the Board's suggestion that it should be removed; the Board are strongly of opinion that the zemindari karnams' fund should be a general Presidency fund capable of utilization wherever there is need. Some of the zemindars whose memorials on the karnam's Bill are in the file of papers forwarded with the Government Order have objected to the surplus of the karnam fund of one estate being utilized to make up the deficit in others. It is urged that as some zemindars have granted inams more liberally than others it would be unfair to utilize the surplus fund of their estates in supplementing the deficit in the funds of the less liberal proprietors. This would mean as the zemindar of Chintapativontu puts it "that those that have not granted the inams are fortunate, whereas those that have granted them are otherwise." This objection, however, will not apply to the proposal contained in these Proceedings, that the inams granted by the zemindars themselves should be returned to them. The Board have accordingly modified section 17 of the Bill rendering the fund available for expenditure throughout the Presidency.

19. It follows from this that the cess should be levied at the same rate in all estates.

The next question then is, what should be the rate of cess. The Board regret that as already observed they are not now in possession of data to decide this. But for the purposes of the Act it is only the maximum rate that needs to be specified and this rate may be fixed as follows.

20. In their circular memorandum, dated 23rd May 1874, No. 651, the Board called upon Collectors with reference to paragraph 9 of G.O., dated 12th April 1872, No. 595, to report the number and emoluments of zemindari karnams and a statement prepared from their replies was submitted to Government with Board's Proceedings, dated 27th October 1875, No. 2975. This statement, copy of which is annexed hereto, though incomplete and possibly also not quite accurate gives a tolerably fair idea of the emoluments now enjoyed by the karnams. According to this statement (Statement B), the total emoluments in such estates as are included in it amount to about 4½ lakhs distributed approximately as shown below:—

	LAKHS.
From inams excluded at the time of permanent settlement	1
" other inams	1
" fees and meras	2½
Total	4½

Comparing this with the amount of land-cess contributed by these estates (statement C), namely, about 8 lakhs, it will be seen that a cess of 9 pies in the rupee would be probably ample to meet all requirements. The amount available according to this rate will be about 6¾ lakhs, the ¾ lakhs being approximately the quit-rent on the "excluded" inams. The distribution of this 6¾ among the three parties—the Government, the zemindar and the tenant—may be noted. The peishkash is on an average about ⅓ of the rental (paragraph 13) and according to the land-cess rule the

zemindar can recover half the cess from his tenants (section 73 of Act V of 1884) and get a remission of the other half on an amount equal to the peishkash he pays or ⅓ of ⅓ or ⅓. The actual distribution between the zemindar and his tenants will thus be as ⅓ — ⅓ to ⅓ or 2 to 3, that is, the zemindar will pay ⅔ of 6 or 2.4 lakhs and the tenants ⅓ of 6 or 3.6 lakhs. In return the zemindar will get 1 lakh, being the assessment on the second class of inams, so that his actual contribution will be 2.4—1 or 1.4 lakhs, and the Government contribution .75 lakhs, being the quit-rent on the first class of inams. These two are very nearly in the ratio of 2:1 which corresponds to the ratio in which the rental is actually shared by the zemindar and Government.

21. Accordingly the maximum rate leviable under the Act may be fixed at 9 pies. But as stated above in paragraph 4 Collectors will be called upon to report—

- (1) The number of karnams required for each estate.
- (2) The average pay for which provision should be made.
- (3) The probable amount of quit-rent realizable by enfranchising the "excluded" karnams' inams.
- (4) The rent value of each estate.

When these reports are received the Board will be in a position to decide the amount required for a complete reorganization of the karnams' establishment and the rate of cess which should be actually levied throughout the Presidency. But in the meantime the Bill will be submitted to Government, revised in accordance with the recommendations made above as regards the constitution of the karnams' fund and the rate of cess.

22. The Board have taken this opportunity of making a few alterations in the other provisions of the Bill which are detailed below.

Preamble.—The Board have included inam villages within the scope of the Bill as the karnams there are much in the same unsatisfactory position as those in zemindaris.

23. Section 5 (c).—The words "after any inam village" have been omitted and the word "village" in the same section has been defined so as to include any estate or part of an estate.

24. Sections 6, 7 and 8.—The time allowed in the original draft to proprietors to show cause why any part of their estate should not be registered as a separate village was 30 days. The zemindar of Kalahasti however points out that it takes 5 days to get a communication from some parts of his estates and that local inquiries may be necessary in some cases. The Board have therefore allowed 60 days.

25. It seems to the Board that distinct provision may be made in the Act for a complete reorganization of the karnam establishment of any estate to which this Act is applicable being undertaken whenever in the interests of administration this may be thought desirable. Provision has accordingly been made empowering Collectors under the authority of the Board not only to divide large villages, but also to club small ones together whenever it may be considered expedient to do so. The cost of demarcation in such cases may legitimately be met from the karnams' fund. A clause to this effect has accordingly been introduced.

26. In view of the modifications noted above, section 8 has been placed immediately after section 5, section 9 omitted and the necessary alteration made in section 10.

27. Section 11.—In the memorials submitted to the Legislative Council, exception is taken to the proposed withdrawal of the power of appointment of karnams from the proprietors. In all the sanads of permanent settlement it is distinctly stated that the karnams shall be appointed by the proprietor. If the privileges granted by the sanads can be left intact with due regard to the interests of the public service, it should be done: and as it seems to the Board that the appointment of karnams may be left with the proprietor subject to revision by the Collector, they would alter section 11 so as to provide that karnams may tender their resignation to the proprietor and that he should send a copy of it and of his order thereon to the Divisional officer.

28. Section 12.—The zemindars apprehend that they can exercise no authority over their karnams if they have always to complain to a Revenue officer when a karnam commits a fault. As there is some reason in this the Board would allow proprietors

to fine karnams to the extent of Rs. 3 after inquiry by a decision in writing which would be subject to appeal. For any severer punishment which they may consider necessary, they must go to the Divisional officers. This section has been altered accordingly.

29. Section 13.—With reference to the remarks on section 11 that the appointment of karnams may be left with the proprietors, the words "appoint," "appointed," &c, have been substituted for the words "nominate," "nominated," &c.

30. Section 14.—This has been altered in accordance with paragraphs 13—16 above.

31. Section 16.—The Board doubt whether it would be safe to give proprietors power under Act II of 1864 especially without subjecting them to its penalties. They consider that the analogy of section 74 of the Local Boards Act might be followed and this section has therefore been omitted and fresh provision made accordingly in a new section.

Section 17.—This has been altered in accordance with the recommendations in paragraphs 18 to 21 and an addition has been made, on the suggestion contained in some of the papers submitted to the Legislative Council that any fines recovered under the Act shall be added to the karnams' fund. For the levy of the cess, four new sections have been inserted between sections 16 and 17 of the Bill. These new sections correspond to sections 73—76 of the Local Boards Act.

32. Section 18.—A few additions have been made to the duties specified in this section. In clause (i) *V pallas* have been added to the *muchilikas*. A paragraph has been introduced between clauses xiii and xiv requiring the karnam to help the village munsif in civil and magisterial cases before him by acting as clerk. This duty which is one of importance in Government villages is neglected in zemindaris. Sub-section (2) merely requires that the records should be *open to inspection* by the proprietor; whereas section 12. of Regulation XXIX of 1802 required karnams to produce the records, &c., whenever required by the proprietor or farmer of the lands. The Board have accordingly added the words "or the proprietor" after "district."

33. Section 19.—After the word "Act" in the first line, the words "held by an officer of Government" have been inserted in view of the modification proposed in sections 11 and 12.

34. Sections 20, 21 and 22.—It is suggested in many of the papers laid before the Legislative Council that appeals should follow the course taken by appeals under Act VIII of 1865, i.e., should go to the District Court and the High Court instead of to the Collector and the Board of Revenue, &c. The Board however do not see any sufficient reason for giving zemindari karnams different treatment from the karnams of Government villages.

35. Section 23.—Two clauses have been added to this section giving the Board power to make rules with regard to dividing and clubbing villages and reorganizing the existing karnams' establishment. This is necessary, as many minor instructions will be necessary in carrying out the details of reorganization, which cannot be embodied in the Act.

36. A copy of the Bill showing in parallel columns the present and the proposed provisions is appended to these Proceedings.

(A true Copy and Extract.)

Acting Secretary.

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

Exd. A. Aubert.

STATEMENT A.

Karnams are remunerated—			
(1) By grant of land rent-free.		(a) Made prior to permanent settlement.	(a) and excluded from the assets on which the peishkash was fixed.
		(b) Made subsequent to permanent settlement.	(b) not so excluded.
(2) By assignment of assessment of lands.	A, in their own occupation.	(a) { (b) {	{ As in (i).
	B, in others' occupation.	(a) { (b) {	
	Paid by the proprietor	(i) As a percentage on the melvaram demand.	{ Do.
	Paid by the tenants	(ii) As a fixed monthly pay.	
(3) By fees or <i>me- rahs</i> .	Paid jointly by the proprietor and the tenants.	(iii) As a percentage on the kudivaram share.	
		(iv) As a fixed monthly pay for each village.	
		(v) As a percentage on the gross produce.	
		(vi) At a fixed rate on extent of cultivation.	{
		(vii) As a fixed money or grain payment on each village.	

(STATEMENT B).
Abstract statement showing the number and emoluments of Zemindari Karmams.

District.	Number of estates.	Number of villages.	Peishkash.	Deductions made to meet the cost of village establishment.	Number of karmams.	KARMAMS' EMOLUMENTS.							Total.
						Land.	Fees.	Land and fees.	Money.	Grain.	Money and grain.	Land, money and grain.	
						7	8	9	10	11	12	13	15
Ganjam ..	57	2,691	4,31,005	Rs. 413	1,244	Rs. 11,343	Rs. 337	Rs. 29,300	Rs. 737	Rs. 2,193	Rs. 47	Rs. ..	Rs. 45,047
Vizagapatam ..	35	2,264	9,94,127	22,032	3,292	81,084	122	..	341	6,459	2	..	87,003
Godavari ..	101	943	7,53,450	Informa- tion not available.	934	50,406	9,263	..	(a) 4,172	4,888	..	..	(a) 63,734
Kistna ..	20	218	1,96,001	..	425	7,419	..	..	5,343	8,686	13,275	205	18,823
Nellore ..	4	1,091	4,02,297	..	1,332	7,749	..	..	17,672	..	..	..	33,707
Chingaleput ..	182	356	1,06,463	..	339	7,719	..	..	3,770	10,153	..	..	21,672
North Arcot ..	11	8,081	4,85,774	17,658	817	5,190	..	..	2,715	10,423	..	..	78,801
South Arcot ..	13	282	8,699	31	9	5,829	..	..	559	66	..	..	816
Tanjore ..	13	260	31,433	7,778	73	2,829	..	..	762	(a) 657	1,594	(c) 252	3,275
Trichinopoly ..	25	2,407	81,912	18,090	1,467	3,933	..	..	6,063	23	24,685	..	8,892
Madura ..	28	710	3,08,183	9,715	425	5,034	..	..	4,167	..	..	..	(a) 32,897
Sivaganga ..	6	60	27,691	3,468	25	132	..	..	..	..	..	..	(c) 17,466
Tinnevely ..	129	1,658	4,45,658	27,915	409	..	..	..	13,003	..	..	..	1,329
Coimbatore ..	694	16,031	46,99,617	1,07,130	10,989	1,78,162	9,727	29,390	63,975	52,557	39,693	49,087	13,135
Salem ..	..	..	..	..	..	..	..	..	..	..	..	..	4,49,002
Total ..	..	..	..	..	..	..	..	..	..	..	..	..	..

[Column 7 Rs. 1,78,162
Half of column 9 14,695
One-third of column 13 16,363
Total from land .. 2,09,220 (Approximately).]

• Excluding Ramnad for which information is not available.

A. Grain—
Under putties 761
Putties 77
Tobacco, vises 164
Chillies, ... 127

(a) Includes Rs. 18 in money for sideward.
(b) Exclusive of grain fees to 5 karmams in Singavanam.
(c) Exclusive of 17 mals. and 82 galls of Ardhmananur.
(a) Excluding Sivaganga, shown below.

(c) No inam lands in this zemindari vide G.O., dated 6th July 1888, No. 108, Legislative.

C.

STATEMENT of Land-cess charged in Zemindari, Shrotriem and Inam villages.

Districts.	ZEMINDARI.		SHROTRIEM.		Inam.		Total.
	Amount.	Rate.	Amount.	Rate.	Amount.	Rate.	Amount.
Ganjam ..	Rs. 1,06,787	8 2	As. 1	..	Rs. 7,741	5 3	1,14,528 13 5
Vizagapatam ..	1,42,509	2 3	1	..	38,692	13 3	1,81,201 15 6
Godavari ..	83,306	10 1	2	7,853 2 10	2,275	7 1	93,435 4 0
Kistna ..	60,717	9 7	1	..	11,478	7 1	72,196 0 8
Nellore ..	59,753	0 0	1	10,315 0 0	..	..	70,070 0 0
Cuddapah ..	..	..	1	4,070 6 1	150	12 5	4,221 2 6
Anantapur ..	..	..	..	..	2,077	11 0	2,077 11 0
Bellary ..	..	..	..	..	3,015	0 0	3,015 0 0
Kurnool ..	..	..	..	..	1,221	0 0	1,221 0 0
Chingaleput ..	14,738	0 5	1	..	17,801	5 5	32,539 5 10
North Arcot ..	1,01,169	0 0	1	1,381 0 0	4,704	0 0	1,07,254 0 0
South Arcot ..	1,534	0 0	1	..	3,405	0 0	4,939 0 0
Tanjore ..	4,323	0 0	1	8,430 0 0	29,279	0 0	42,032 0 0
Trichinopoly ..	20,410	0 0	1	..	7,214	0 0	27,624 0 0
Madura ..	1,26,738	0 0	1	..	64,936	0 0	1,91,674 0 0
Tinnevely ..	41,941	10 11	..	..	13,285	1 9	55,226 12 8
Coimbatore ..	5,643	0 0	1	..	935	0 0	6,478 0 0
Nilgiris ..	..	..	..	..	..	..	..
Salem ..	33,414	0 0	..	..	9,934	0 0	43,393 0 0
South Canara ..	..	..	..	..	..	..	..
Malabar ..	454	7 1	2	..	..	..	454 7 1
Total ..	8,03,344	0 6	..	32,049 8 11	2,18,195	15 3	10,53,589 8 8

* Not given. where?

STATEMENT D.

Estat's.	Current demand.	Peishkash.	Percentage.
Parlakimedi ..	Rs. 3,86,092	Rs. 87,800	23
Chinna Kimedi ..	72,722	20,800	29
Jarada ..	23,898	2,000	8
Urlam ..	45,963	12,500	27
Dharakot ..	80,665	24,500	30
Bodagada ..	24,923	4,000	16
Kallikot and Atigada ..	2,50,000	78,900	32
Meringhi ..	46,692	18,500	40
Sripuram ..	19,171	8,800	46
Kapileswarapuram ..	86,000	15,800	18
Kangundi ..	75,949	23,000	30
Gandharvakota ..	35,869	6,600	18
Ramnad ..	8,04,778	3,14,000	39
Saptur ..	38,571	8,800	23
Erumaipati ..	16,172	8,400	52
Shulagiri ..	18,655	5,500	30
Medur ..	86,000	16,300	19
Marungapuri ..	53,000	20,600	39
Mailavaram ..	17,000	4,100	24
Total ..	21,82,120	6,80,900	31.2

No. 6 of 1883.

A Bill to amend the Law in regard to Karnams in Estates permanently settled, &c.

(As amended by the Select Committee).

WHEREAS it is expedient to amend the law relating to karnams in permanently settled estates, and in unsettled estates, and to make better provision for the speedy disposal of claims to the office of karnam, for the prevention of irregularities on the part of such karnams thereof, for the summary punishment of such irregularities, and generally for securing the efficiency and uprightness of such karnams; It is hereby enacted as follows:—

1. This Act may be called the Madras Karnams Act, 1883.

2. It extends to the territories for the time being administered by the Governor in Council of Fort St. George, except the Scheduled Districts as defined under the Scheduled Districts Act, 1874.

3. It shall come into force on the day of 1883.

4. Regulation XXIX of 1802, (A Regulation for establishing the office of karnam and defining the duties of the said office,) is hereby repealed.

5. In this Act, unless there is something repugnant in the subject or context,—

“Estate” means and includes—

(a) any estate permanently settled under Regulation XXV of 1802; and

(b) any unsettled pālaiyam; and

(c) any inam village situated in any estate permanently settled or in any unsettled pālaiyam.

“Proprietor” includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the district, wherein the estate is situated.

“Village” includes any part of an estate entered as such in the said registers.

“Karnam” includes any person for the time being discharging the duties of the office of karnam in any village.

No. 6 of 1883.

A Bill to amend the Law in regard to Karnams in Estates permanently settled, &c.

(As amended by the Board).

WHEREAS it is expedient to amend the law relating to karnams in permanently settled estates, in unsettled pālaiyams, and in whole inam villages, and to make better provision for the speedy disposal of claims to the office of karnam, for the prevention of irregularities on the part of such karnams thereof, for the summary punishment of such irregularities, and generally for securing the efficiency and uprightness of such karnams; It is hereby enacted as follows:—

1. This Act may be called the Madras Karnams Act, 1883.

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5. In this Act, unless there is something repugnant in the subject or context,—

“Estate” means and includes—

(a) any estate permanently settled under Regulation XXV of 1802; and

(b) any unsettled Pālaiyam; and

(c) any inam village.

“Proprietor” includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the District, wherein the estate is situated.

“Village” includes any estate or part of an estate entered as such in the said registers.

“Karnam” includes any person for the time being discharging the duties of the office of karnam in any village.

(Vide 8 below).

6. (1) Whenever it appears to the Collector of the district that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, he may, by notice in writing, require the proprietor of such estate to show cause, within thirty days after service of such notice, why such part should not be so registered.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, by notification in the District Gazette, declare such part of the estate to be a village, define its limits and enter it as a village in his register, and shall cause such notification to be published in the said village.

7. (1) Every proprietor shall, on the requisition and subject to the approval of the Collector of the district, nominate for every village in his estate a duly qualified person, who shall be called the karnam.

(2) Provided that no person shall be employed as karnam of more than one village without the sanction of the Collector.

(3) If any proprietor neglects for thirty days after such requisition to nominate a duly qualified person, the Collector of the district may employ a duly qualified person to be the karnam.

8. Every proprietor shall within ninety days after this Act comes into force, prepare a register in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the district, and shall keep a copy thereof.

9. All changes and additions rendered necessary in carrying out the provisions of this Act shall, from time to time, be duly entered in such register by the Collector and in the copy thereof by the proprietor.

10. Any proprietor who omits to furnish the register or to keep a copy thereof, as provided by section 8 or

6. Every proprietor shall within ninety days after this Act comes into force, prepare a register in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the District, and shall keep a copy thereof.

7. (1) Whenever it appears to the Collector of the District that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, or several small villages should be clubbed together, he may, by notice in writing, require the proprietor of such estate to show cause, within sixty days after service of such notice, why such part should not be so registered or such villages so clubbed together.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, and under the guidance of such rules as may be laid down by them in this behalf, declare by notification in the District Gazette, such part of the estate or such several villages to be a village, define its limits and enter it as a village in the A-form register of the estate kept in his office and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor.

(3) The cost of all proceedings as aforesaid shall be paid from the Karnams' Fund which will be constituted as hereinafter stated.

8. (1) Every proprietor shall, on the requisition and subject to the approval of the Collector of the District, nominate for every village in his estate a duly qualified person, who shall be called the karnam.

(2) Provided that no person shall be employed as karnam of more than one village without the sanction of the Collector.

(3) If any proprietor neglects for thirty days after such requisition to nominate a duly qualified person, the Collector of the District may employ a duly qualified person to be the karnam.

(Vide 6 above).

9. Any proprietor who omits to furnish the register, or to keep a copy thereof, as provided by section 6 or to have entered therein the

may be, in force, be exercised by any proprietor in the collection and recovery of rent, and shall be liable to all the penalties prescribed therein for the abuse of such powers.

17. Every proprietor shall be entitled to a remission of one-half of the cess payable by him on so much of the whole annual rent value of his land as is equal to the amount of the revenue payable by him to Government in respect of such land. Provided that the amount recoverable by such proprietor from his tenants under the proviso to section 15 shall be calculated upon the whole amount which would have been payable to Government if no such remission had been allowed.

18. When any proprietor shall, on the date fixed by the Collector under section 15, have failed to pay, either in whole or in part, the cess due by him in respect of his estate, the said cess or such part of it as remains unpaid shall be recoverable in the same manner as if it were an arrear of revenue under Act II of 1864.

17. (1) The net proceeds of the assessment shall constitute a separate fund to be called the Karnam's Fund of the estate. Such fund shall be lodged in the District Treasury, and shall be under the control of the Collector of the District.

(2) The karnams employed in the estate shall be paid from the said fund the salaries to which they may be entitled to according to such scale as may from time to time be fixed by the Board of Revenue. If any surplus remains, the Collector shall divide it rateably amongst the Karnam's Funds of such estates in the district as show a deficit.

Duties of the Karnam.

18. (1) (i) The karnam shall keep complete registers of the extent of the lands in each village, specifying the boundaries and landmarks, and showing their appropriation, viz., arable, cultivated and uncultivated, pasture occupied for houses, gardens, rivers, tanks, springs or wells, waste in hills, jungle or rocks.

(ii) The said registers shall specify the extent and description of land in each village exempt from paying revenue to Government at the time when the permanent assessment was fixed, the purposes to which the exempted lands are appropriated, and the names of the holders of such lands.

(iii) The said registers shall further specify the lands in each village exempted by grants or sanads from paying revenue to Government, the purposes for which such lands were granted, the condition of the grant, and the names of the holders.

(iv) The karnam shall report to the Collector of the District and the proprietor the death of all holders of lands exempted from the payment of revenue to Government.

(v) The karnam shall be present at the estimation of the crop, at the beating out and at the measuring of the grain, and shall attest the muchilicas executed by raiyats in favor of the proprietor or his assigns.

19. (1) The net proceeds of the assessment of the inams enfranchised under section 13, of the cess levied under sections 15-17 together with any fines recovered under this Act shall constitute a fund to be called the Karnam's Fund. Such fund shall be lodged in the District Treasuries, and shall be under the control of the Collectors subject to the general orders of the Board of Revenue.

(2) The karnams employed in the estates shall be paid from the said fund the salaries to which they may be entitled to according to such scale as may from time to time be fixed by the Board of Revenue.

Duties of the Karnam.

20. (1) (i) The karnam shall keep complete registers of the extent of the lands in each village, specifying the boundaries and landmarks, and showing their appropriation, viz., arable, cultivated and uncultivated, pasture occupied for houses, gardens, rivers, tanks, springs or wells, waste in hills, jungle or rocks.

(ii) The said registers shall specify the extent and description of land in each village exempt from paying revenue to Government at the time when the permanent assessment was fixed, the purposes to which the exempted lands are appropriated, and the names of the holders of such lands.

(iii) The said registers shall further specify the lands in each village exempted by grants or sanads from paying revenue to Government, the purposes for which such lands were granted, the condition of the grant, and the names of the holders.

(iv) The karnam shall report to the Collector of the District and the proprietor the death of all holders of lands exempted from the payment of revenue to Government.

(v) The karnam shall be present at the estimation of the crop, at the beating out and at the measuring of the grain, and shall attest the muchilicas executed by raiyats in favor of the proprietor or his assigns, and the pallas which are the counterparts of the muchilicas.

(vi) The karnam shall keep true accounts of the gross produce of all lands, whether paying revenue to Government or not, where the produce of such lands may be shared between the proprietor and the raiyat, and shall also enter in his registers the quantity of grain so divided, as well as the rates of division.

(vii) The karnam shall enter in his registers the rates and amount of all fees and méras appropriated to the officers and servants of the villages, specifying whether such fees and méras are payable from the gross produce of the entire lands, from the proprietor's share, or from the raiyat's share.

(viii) Where lands may be liable to pay money rents, the karnam shall keep registers of the extent of land cultivated and of the rates and amount of the money rents.

(ix) The karnam shall keep registers of the land cultivated in gardens and of the rates and amount of the division of the produce of such lands when the produce may be divided in kind.

(x) The karnam shall keep registers of the quit-rent and ready-money payments collected in each village.

(xi) The karnam shall keep monthly registers of the price of all kinds of grain.

(xii) The karnam shall keep registers of strangers passing or repassing as reported to him by the village-watchers, and such registers shall at all times be open to the inspection of the Officers of Police.

(xiii) The karnam shall keep the accounts exhibiting the actual revenue and charges of the village and the records of his office.

(xiv) The karnam shall keep and furnish such registers, accounts and other records as the Collector of the District, subject to the general orders of the Governor in Council and of the Board of Revenue, may from time to time prescribe.

(xv) The karnam shall prepare, whenever directed by the Collector of the District or by any person duly authorized by the Collector in that behalf, all writings which are necessary for the use of Government or other lawful authority.

(2) The registers, accounts, statements and other writings kept by the karnam shall at all reasonable times be open to the inspection of any servant of Government or of the proprietor, duly authorized in writing in that behalf, or any person owning or cultivating land in the village, and shall be produced by the karnam before the Collector of the District or any person authorized in that behalf by any law in force for the time being, or by the Collector of the District, at such times and places as the Collector of the District or such person may direct.

(3) The karnam shall be deemed to be a public servant within the meaning of the Indian Penal Code and

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(xiv) The karnam shall act as clerk in civil and magisterial cases before the village munsif.

(xv) The karnam shall keep and furnish such registers, accounts and other records as the Collector of the District, subject to the general orders of the Governor in Council and of the Board of Revenue, may from time to time prescribe.

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REVENUE DEPARTMENT

1888.

Board of Revenue

(Land Revenue),

MADRAS.

No 174

Printed January

1889

JAN 29

Proceedings, 18th Dec. 1888, No. 1024.

Recd 11.1.89

Submitting remarks on the Zemindari Karnams' Bill.

Print B.P. (H) dated 18-12-88
no: 1024 in full.

REVENUE DEPARTMENT.

G.O. of 17 Feb 1891 no: 118.

The bill has a good many sections defects
I will make a great row. But it will
do to go before the Leg. Council

11/12/88
29/Jan 12/11
But see remarks on the bill
from 9

With the Proceedings read above, the Board of Revenue submits a revised draft of a Zemindari Karnams' Bill called for in G.O., dated 16th April 1888, No. 270. The question of amending the law relating to this class of officers has been under consideration for the last 20 years. In its Proceedings, dated 27th October 1874, No. 2975, the Board of Revenue discussed fully the defects in the existing law in regard to karnams and other village servants in zemindaris and other proprietary estates and arriving at the opinion that the law relating to karnams in these estates urgently required reform, submitted, with the Proceedings, a draft of a short Bill for amending Regulation XXIX of 1802 with the view of placing the karnams employed in proprietary estates under the control of Collectors, in like manner with karnams employed in tracts not permanently settled. The need for obtaining such control was also pressed on the attention of the Local Government by the Resolution of the Government of India, dated 10th August 1882, in which that Government, while reviewing certain portions of the report of the Famine Commission, which suggested methods for improving the manner of registering and utilising vital statistics throughout British India, invited this Government to consider whether legal obligations could not be imposed on village officers in zemindari tracts, the returns from which had been reported to be of a very unsatisfactory character.

2. The draft Bill submitted by the Board was referred to the Legislative Department which revised the Bill and somewhat enlarged its scope by providing—

(1) for the appointment of karnams in villages in which there are no such officers at present;

(2) for the sub-division of any village which is too large to be managed by a single karnam into two or more villages; and

(3) for the constitution of a fund, by enfranchising the inam lands attached to karnam's service, for the remuneration of the additional karnams whom it might be found necessary to appoint under the two previous provisions.

Conclusion

The Bill as thus amended was introduced into the Legislative Council by the Honorable D. F. Carmichael on the 1st October 1883, and referred to a select committee which suggested a few amendments among which was the addition of a provision to enable the Government to assess fully all inam lands which, though originally bestowed as an emolument of the office of karnam, have passed into the enjoyment of persons not doing the work of the office. The question, however, arose, whether even with this provision the karnam fund would be found sufficient, and on a reference from Government, the Board reported in 1885 that the fund thus constituted would be inadequate to meet the demands on it and suggested the imposition of a cess to supplement it. The Government, thereupon, abandoned Mr. Carmichael's Bill and called upon the Board to submit a revised Bill containing provision for the levy of the cess suggested (G.O., dated 16th April 1888, No. 270). The Board was also asked to consider the question of extending the Village Service Cess Act to zemindaris in view to bringing under Government control and supervision the other village establishments employed in such estates, especially the kavalgars employed largely in the zemindari and devastanam villages in the Tinnevely district, about whose conduct there were frequent complaints (G.O., dated 3rd July 1888, No. 3850, Mis.).

3. The Board now submits a revised Bill dealing with zemindari karnams only, leaving the question of dealing with other village servants for future consideration, and in doing so observes that the necessity for legislation in the case of other village servants is not so urgent as it is in the case of karnams, that most of the Collectors who reported on the question in 1874 thought that the introduction of the Village Cess Act into zemindaris was not only unnecessary as there were no complaints against the other village officers but also that there would be several practical difficulties in carrying out the measure and that the zemindari tracts being for the most part unsurveyed, it would be practically impossible to introduce the Cess Act into them. The Board has, however, called upon Collectors to report upon this question of extending the Village Cess Act to zemindaris in view to addressing Government separately on the subject.

4. The Government, while agreeing with the Board in considering that the defects

in the law as regards the zemindari karnams require immediate remedy, does not share its opinion that it is neither practicable nor necessary to introduce into zemindaris a Village Cess Act. Many of the village officers in zemindaris have important police duties to perform and if Government is to look to them for efficient performance of these duties, it is essential not only that they should be remunerated properly, but also that their remuneration should be under the control of Government, and this can be secured only by introducing a Village Service Cess Act into zemindaris. If it is an objection to introducing a general village service cess, that zemindaris are mostly unsurveyed, it is equally an objection to introducing a karnam cess. But as it is proposed to charge the village service cess in the same manner in which the "land cess" is now charged, there need be no greater difficulty in working the former than there is in working the latter cess. There is, of course, the additional difficulty of dealing with the existing emoluments. But as this difficulty, whatever it is, must be met even if the proposed legislation is to be limited to karnams, the Government considers it desirable that the opportunity of the proposed legislation should be taken to give it such scope as will admit of its being applied to all such village servants as the Government may from time to time deem it expedient to bring under due control although it is intended to restrict its application to karnams in the first instance. It was such control and not suppression that Government desired in the case of the kavalgars of the Tinnevely district; and those whom the Government wished to bring under control are not the kudi-kavalgars employed by the ryots, but the kavalgars who are recognised village servants and who as such are as much State servants as the talayaris employed in Government villages.

5. The Bill submitted by the Board will accordingly be modified so as to make it applicable to the marginally-noted village servants in zemindaris and other proprietary estates, the Government taking the power to extend the Act to such classes of village servants as it may from time to time deem expedient.

6. As regards the appointment, punishment and dismissal of these officers, the Government has, after careful consideration, arrived at the conclusion that it will be best on the whole to vest the necessary powers in the Revenue officers in charge

1. Karnams.
2. Munsifs.
3. Monegars.
4. Minor Revenue officers such as vetties, toties and tandalgars.
5. Minor Police officers such as talayaris, kavalgars.
6. Nirgantis.

of divisions of districts, their decisions being subject to appeal to the Collector and the Board of Revenue as is the case in regard to similar officers in Government villages. It is of great importance to the administration that the principal village servants, whether in permanently settled estates or ryotwari villages, should be brought under the same regulations as regards educational and other qualifications, and this can be secured only if the power of appointment of all such servants is in the hands of the same officers of Government. Any loss to the proprietor of patronage in the matter of these appointments will, the Government feels assured, be more than counterbalanced by the efficiency of the village establishment which this measure will ensure.

7. The scope of the Bill being thus enlarged, the fund to be constituted under it will be called the Proprietary Estates Village Service Fund and will consist of the proceeds of enfranchisement of the inams attached to such village offices as will from time to time be brought within the scope of the enactment, of a cess which will be levied in lieu of all other emoluments received by such village officers and of any fines recovered under the Act.

8. The inams to be enfranchised will, as recommended by the Board, be only those which were in existence at the time of the permanent settlement. These will be dealt with under the inam rules now in force or under such as may hereafter be framed for the purpose by Government, while all inams granted subsequent to the permanent settlement either by the proprietors or by village communities will be allowed to be resumed by their respective grantors.

9. The village cess will be levied and apportioned between the proprietor and his tenants in the same manner as the land cess is now levied and apportioned. The rate, however, cannot be fixed as it must depend on the classes of village servants to whom it may be deemed desirable to extend the proposed Act. Provision will therefore be made in the Bill empowering the Governor in Council to determine the rate from time to time. The rate will be uniform in all estates in which it is levied, subject to a maximum which will be determined on as soon as the necessary information on the subject is obtained. The rate will most probably not exceed one anna in the rupee.

I think the words "may probably" should be inserted

We ought not to charge more in zamindari than in ryotwari villages

Jaipur. The rate will be less than in ryotwari because a zamindar is not a proprietor.

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10. The information which the Board has called for in paragraphs 4 and 21 of its Proceedings is not sufficiently definite. Collectors should be called upon to report at once for each estate—

(1) the existing number of village servants of the several classes noted in the margin of paragraph 5 above;

(2) their existing remuneration, the sources from which it is derived and where any portion of the remuneration is contributed jointly by the proprietor and his tenants, the proportion in which the charge is respectively borne by them;

(3) the number of village servants of each class which it is desirable to maintain and the present and prospective cost of such establishments;

(4) the amount which would be available by enfranchising the inams attached to the several services which were in existence at the time of the permanent settlement;

(5) the annual rent value of the estate determined in accordance with the provisions of the Madras Local Boards' Act IV of 1884 as amended by Madras Act III of 1890.

11. On the question of the utilization of the fund raised under the proposed Act, the Government fully concurs in the Board's remarks in paragraph 18 of its Proceedings. The fund being made up of the proceeds of enfranchisement of only those inams which were in existence at the time of the permanent settlement (and therefore excluded from the assets on which the permanent assessment was fixed) and of a money cess which will be levied in lieu of all other payments at a uniform rate in all estates, there can be no objection to its being regarded as a general fund available for expenditure, according to requirements, in all those estates which have contributed to it. A similar provision has been inserted in the Bill to amend Madras Act IV of 1864.

12. The Board, it is observed, has omitted to insert a provision in the Bill that when the cess is imposed in respect of any class of village service, all fees or other dues payable on account of such service will cease. The necessary provision will be made in the draft Bill. Provision will also be made for the calculation of the annual rent value of estates for the purpose of fixing the amount of the cess payable under the Act.

13. The Government considers that the duties of village officers need not be specified in the Act, but may be left to be defined by the Board of Revenue.

14. In addition to the modifications above referred to, the draft Bill submitted by the Board requires some slight verbal alterations here and there. With these modifications and with a draft statement of objects and reasons, the Bill will be transferred to the Legislative Department in view to steps being taken to introduce it into the Legislative Council at an early date.

(Intld.) C. A. G.

*To the Comr of the
Regulation District
of the Bill & statement
of objects & reasons.*

50/3

*Note
Print 30 copies of the Bill
& statement of objects & reasons
separately.*

No. 6 of 1883.

A
BILL

TO

Amend the law in regard to karnams and other village officers in estates permanently settled, &c.

WHEREAS it is expedient to amend the law relating to karnams and other village officers in permanently-settled estates, in unsettled palayams, and in whole inam villages, and to make better provision for the speedy disposal of claims to such offices, for the prevention and summary punishment of irregularities on the part of such officers and generally for securing their efficiency and uprightness; It is hereby enacted as follows:—

1. This Act may be called the Madras Proprietary Village Service Act, 189 .

2. It shall extend to such estates within the Presidency of Fort St. George, and shall apply to such classes of village officers therein, as the Governor in Council may, from time to time by notification direct;

And it shall come into force in each of such estates and in regard to each of such class of village officers, on such date as the Governor in Council, in like manner, may direct in that behalf.

The village officers to whom this Act may be declared applicable shall be those belonging to the following six classes, by whatever designation they may be known, namely:—

- (1) Karnams.
- (2) Munsifs.
- (3) Monigars.
- (4) Minor revenue officers, such as vettis, toties and tandalgars.
- (5) Minor police officers, such as taliares and kavalgars.
- (6) Nirganties.

3. Regulation XXIX of 1802 (a Regulation for establishing the office of karnam and defining the duties of the said office) and section 11 of Regulation XXV of 1802 are hereby repealed.

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4. In this Act, unless there is something repugnant in the subject or context, "estate" means and includes—

(a) Any estate permanently settled under Regulation XXV of 1802;

(b) any portion of such permanently-settled estate which has been separately registered in the office of the Collector;

(c) any unsettled palaiyam; and
(d) any inam village.

"Proprietor" includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the district, wherein the estate is situated.

"Village" includes any estate or part of an estate entered as such in the said registers.

"Village officer" includes any person for the time being discharging the duties of such officer in any village.

5. Every proprietor shall within ninety days after this Act comes into force prepare a register of karnams and other village officers employed in his estate, in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the district, and shall keep a copy thereof.

6. (1) Whenever it appears to the Collector of the district that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, or several small villages should be clubbed together, he may, by notice in writing, require the proprietor of such estate to show cause, within sixty days after service of such notice, why such part should not be so registered or such villages so clubbed together.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, and under the guidance of such rules as may be laid down by it in this behalf, declare by notification in the District Gazette such part of the estate or such several villages to be a village, define its limits and enter it as a village in the A-form register of the estate kept in his

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office and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor.

(3) The cost of all proceedings as aforesaid shall be paid from the Proprietary Estates Village Service fund, which will be constituted as hereinafter stated.

7. Any proprietor who omits to furnish the register or to keep a copy thereof,

as provided by section 5, or to have entered therein the changes or additions notified under section 6, shall be liable to a fine not exceeding Rs. 100 for every such offence, and to a further fine not exceeding Rs. 50 for every day during which the offence is continued after such fine; and such fines and any other sums, payable by the proprietor under this Act, shall

be recoverable in the manner provided in Act II of 1864 of the Madras Code for the recovery of arrears of revenue.

8. The appointment, punishment and dismissal of village officers shall vest in the Revenue officer in charge of the division of the district in which the village is situated, anything in the sannad-i-milkeat-istimrar to the contrary notwithstanding.

9. Proprietors or their under-farmers or tenants who may have cause of complaint against a village officer may institute a suit before the Revenue officer aforesaid for the purpose of bringing such officer to trial and punishment.

10. If the remuneration of a village officer to whom this Act is declared applicable consists in whole or in part of emoluments from lands, the Inam Commissioner may enfranchise them from the condition of service under the rules for the time being in force in respect of similar emoluments in villages not permanently settled or under such rules as the Governor in Council may lay down in this behalf.

Provided that the enfranchisement as aforesaid shall apply to all the emoluments which were in existence at the time of permanent settlement even though they may not continue as such at the time this Act comes into force; and that such emoluments as may be proved to have been

provided further

granted subsequent to the permanent settlement will be left to be dealt with by the grantors in any manner they think fit.

11. If the Governor in Council so directs the proprietor shall collect the quit-rent or assessment imposed by the Inam Commissioner under the last preceding section and pay it to the Collector of the district in the same manner and at the same time as the revenue payable by him in respect of his estate. Provided that if the proprietor is required to collect as aforesaid, he shall be entitled to a deduction of 10 per cent. of the amount collected by him by way of compensation for such collection and payment.

12. It shall be lawful for the Governor in Council to levy in each estate to which this Act may be extended a money cess to be called the Proprietary Estates' Village Service cess.

The rate of cess shall, from time to time, be determined by the Local Government; but it shall not in any case exceed the rate of one anna in the rupee on the annual rent value of all occupied lands comprised within the limits of the estate.

13. The annual rent value aforesaid shall be calculated in the following manner:—

(i) In the case of lands paying full rent, the annual rent payable to the proprietor by his tenants together with any water-rate which may be payable for their irrigation shall be taken to be the annual rent value of the lands held by such tenants.

Where the lands are occupied by the proprietor himself or by any person holding the same from him free of rent, or at a favorable rent, the annual rent value shall be taken to be the rent ordinarily payable to the proprietor for lands of similar quality leased out by him in the neighbourhood, together with any water-rate which may be payable for the irrigation of the lands so occupied by the owner himself or by any person holding the same from him as aforesaid.

(ii) Where rent is paid in kind the annual rent value shall be calculated according to the rates of rent established or paid for neighbouring lands of a similar description and quality, to which shall be added the water-rate payable for the irrigation of the lands of which the rent is paid in kind.

Provided that where any proprietor has been permitted by the Collector under the provisions of clause IV, section 11, Madras Act VIII of 1865, to increase his rent in consequence of any payment by way of water-rate made by him to Government, the annual rent value shall be the balance remaining after deducting such increase of rent up to the amount of water-rate from the sum ascertained as aforesaid.

(iii) In the case of lands for which assessment is payable direct to Government, the amount of such assessment together with any water-rate which may be payable for their irrigation shall be taken to be the annual rent value of such lands.

(iv) In the case of inam lands and lands held wholly or partially free of assessment the full assessment which such lands would bear if they were not inam together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent value, and such full assessment and water-rate shall be determined by the Collector of the district under the general orders of the Board of Revenue.

14. The rent value as aforesaid of a proprietor's estate shall be determined in accordance with the provisions of sections 65—71 of the Madras Local Boards Act V of 1884 as amended by Madras Act III of 1890.

15. Every proprietor shall pay to the Collector or other officer empowered by him to receive it the cess due in respect of the annual rent value of lands held by him as aforesaid, exclusive of the amount of such cess, if any, payable by his tenants as hereinafter provided, on or before such dates and in such instalments as the Collector, under the general orders of the Board of Revenue, may by notification declare; and if such lands are occupied by tenants paying water-rate direct to Government, such tenants shall pay to the Collector together with the water-rate the cess due on the amount of such water-rate. Provided that in the case of lands occupied by tenants, it shall be lawful for the proprietor to collect and recover, from his tenants one-half of the amount payable by him in respect of the lands so occupied.

16. (i) Where land comprised within the limits of an estate falls under clauses (iii) and (iv) of section 13 such landholder shall pay to the Collector together with the assessment or water-rate the cess due on the annual rent value of such land; and such cess shall be recoverable as arrears of land revenue.

(ii) Where the assessment or water-rate due by such landholder is collected by the proprietor of the estate such proprietor shall, if so directed by the Governor in Council, collect also the cess due as aforesaid by such landholder and pay it to the Collector of the district in the same manner as the said assessment or water-rate is paid. Provided that the proprietor shall in that case be entitled to a deduction of 10 per cent. of such cess by way of compensation for such collection and payment.

17. Every proprietor shall, in collecting or recovering the portion which may be due to him under the proviso to section 15 or the quit-rent or assessment referred to in section 11 be entitled to exercise the same powers as may, under any Act or Regulation which now is, or hereafter may be, in force, be exercised by any proprietor in the collection and recovery of rent, and shall be liable to all the penalties prescribed therein for the abuse of such powers.

18. Every proprietor shall be entitled to a remission of one-half of the cess payable by him on so much of the whole annual rent value of his land as is equal to the amount of the permanently-settled revenue payable by him to Government in respect of such land. Provided that the amount recoverable by such proprietor from his tenants under the proviso to section 15 shall be calculated upon the whole amount which would have been payable by him to Government if no such remission had been allowed.

19. When any proprietor shall, on the date fixed by the Collector under section 15, have failed to pay either in whole or in part, the cess due by him as aforesaid, or a tenant shall have failed to pay either in whole or in part the cess due by him on the water-rate payable direct by him to Government in respect of lands occupied by him, the said cess or such part of it as remains unpaid shall be recoverable in the same manner as if it were an arrear of revenue under Act II of 1864.

20. If in any estate to which this Act has been extended the cost of village establishments is provided for by a ready money deduction from the peishcush made at the time of permanent settlement, it shall be lawful for the Governor in Council to resume such portion of the deduction as represents the remuneration of such village officers as may have been brought within the scope of this Act.

Such resumed deduction shall thereupon be added to the permanent assessment payable by the proprietor of the estate concerned.

21. (1) The net proceeds of the assessment on the inams enfranchised under section 10 of the cess levied under sections 15-18, of the ready money deduction resumed under the last preceding section together with any fines recovered under this Act, shall constitute a fund to be called the Proprietary Estates' Village Service fund. Such fund shall be lodged in the District Treasuries, and shall be under the control of the Collectors subject to the general orders of the Board of Revenue.

minus jodi, if any, payable to Government

(2) In the estates to which this Act may have been extended, the village officers to whom this Act has been declared applicable shall be paid, from the said fund, the salaries to which they may be entitled according to such scale as may, from time to time, be fixed by the Board of Revenue.

22. It shall be unlawful for any village officer remunerated as aforesaid, on any pretext, to demand, collect or receive in any estate to which

No fee, &c., to be levied or demanded in respect of village offices brought within the scope of this Act.

this Act has been extended any fee, contribution, or allowance as being customarily due and payable on account of the remuneration of such village officer, except as expressly provided and authorised by this Act. All such fees, contributions, and allowances by whatever denomination they may be called shall absolutely cease and determine from the date from which the said village officer's salary is declared to be payable from the fund aforesaid, any provision or declaration in Regulation VI of 1831 of the Madras Code to the contrary notwithstanding.

In cases in which such illegal demand, collection or receipt as aforesaid does not amount to the offences of cheating or extortion as defined in the Indian Penal Code, the offender shall, on conviction before a Magistrate, be punishable with fine not exceeding one hundred rupees recoverable by distraint and commutable, if not paid, to imprisonment of either description for a period not exceeding four months.

Procedure in inquiries.

23. (1) In any inquiry under this Act regarding the conduct of village officers or claims to village offices or to the emoluments annexed thereto, held by a Revenue officer, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English embracing the material averments made by the parties interested, the material parts of the evidence and his decision with the reasons for the same.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code and the office of any authority holding such inquiry shall be deemed to be a Civil Court for the purposes of such inquiry.

(3) Every hearing and decision shall be in public and the parties or their authorised agents shall have due notice to attend.

(4) Every Revenue officer holding inquiries under this Act shall keep such registers as the Board of Revenue may, from time to time, prescribe in that behalf.

Appeals.

24. (1) Any person aggrieved by any decision passed by a Revenue officer in charge of the division, under section 23, may appeal to the Collector of the district against such decision within thirty days after the date of the passing thereof, excluding the time requisite for obtaining a copy of such decision.

(2) The appeal shall set forth concisely the grounds of objection to the decision appealed against and shall be presented with a copy of such decision.

(3) The Collector shall give notice to the opposite party of the day when the appeal will be heard and shall, after the service of such notice, hear the same and pass his decision in the manner provided in the last preceding section.

Second appeals.

25. Any person aggrieved by any decision passed by the Collector of the district under section 23 may, within sixty days after such decision, excluding the time requisite for obtaining a copy of such decision, appeal to the Board of Revenue by way of second appeal.

Revision.

26. The decision passed—

- (i) by the Revenue officer in charge of the division of the district, where no appeal is preferred as aforesaid;
- (ii) by the Collector of the district on appeal where no second appeal is preferred as aforesaid; or
- (iii) by the Board of Revenue on second appeal

shall be final and shall not be impeached in any court.

Provided that it shall be competent to the Governor in Council to revise any such decision and to pass such orders as he may deem fit whenever he thinks it necessary in the interests of justice.

(i) The dividing and grouping of villages.

(ii) The re-organization of the village establishments.

(iii) The qualifications of persons to be appointed as village officers.

(iv) The scale of salaries or other emoluments to be assigned to such officers.

(v) The duties of the several village officers.

(vi) Any other matters calculated to secure the efficiency of village officers.

(2) Such rules shall, until they are modified or cancelled, have the force of law.

28. No Court of Civil Jurisdiction shall have authority to take into consideration or decide any claim to the enjoyment of any portion of the fund constituted under this Act or any question regarding liability to the quit-rent, assessment or cess imposed under this Act or regarding the rates thereof.

Form A (Section 3).

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Printed
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The Zemindar
Karnams Bill

G.O. of Feb. 1891, no. 118.

Printed copy of
the draft G.O., and the
Bill with Statement
of Objects & Reasons

Calculated for copies

The Hon^{ble} Mr. Rose
The Hon^{ble} Mr. Stokes
The Hon^{ble} Mr. G. S. S. S. S.
H. E. the Governor

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STATEMENT OF OBJECTS AND REASONS.

Regulation XXIX of 1802, which in the accompanying Bill it is proposed to repeal, lays down the law relating to karnams or village accountants in permanently-settled estates in the Madras Presidency. The experience of a period of nearly 90 years which have elapsed since the promulgation of this enactment has uniformly pointed to the necessity for amending it in many essential respects. Under the Regulation, the karnam or accountant, who is the most important of the village officers is placed entirely under the control of the Civil Courts. He cannot be punished for any neglect or breach of duty towards the zemindar and his tenantry, except, as defendants in a civil suit, by the judgment of the Court; and as this remedy is cumbersome and expensive, it is seldom, if ever, resorted to: the consequence has been that a sense of discipline has altogether ceased to exist among them. As regards the Collector their position is still more independent. It is only in two cases that he can ask them for information; in any other case he is liable to be restrained from making a requisition by an injunction, and even fined if he should persist. In a case which went before the High Court in 1882, that authority ruled that zemindari karnams were not bound to obey a Tahsildar's summons directing them to attend his cutcherry for the preparation of Census accounts. They enjoy the same freedom in regard to the submission of vital and agricultural statistics, the importance of which can never be over-estimated.

2. The question, therefore, arises what measures should be adopted to remedy these evils. One course would be to vest the necessary control over these officials in the zemindars; but such a course is obviously undesirable as the relations of the zemindars and their tenants are often antagonistic to each other. The only other course which is practicable and in every way convenient is to transfer the control to the Revenue officers of the district. This course was recommended as far back as 1815 by Sir Thomas Munro, then on the special commission, whose reports remodelled the administration of this Presidency. For whatever reason the transfer was not effected then, there is no reason why it should not be effected now. The Collectors, it may be taken for granted, will decide cases brought against village servants quite as impartially as the Civil Courts, and will certainly dispose of them more expeditiously and with greater convenience to parties and witnesses. This course, moreover, has the approval of a large majority of those who have been consulted on the subject, including some of the principal and most intelligent of the zemindars. It has therefore been adopted in the preparation of this Bill. The Bill proposes also to transfer the power of appointment of these village officers from the zemindars to the Revenue officers. It is of great importance to the administration that the principal village servants whether in permanently-settled estates or ryotwari villages should be brought under the same regulations as regards educational and other qualifications, and this can be secured only if the power of appointment of all such servants is in the hands of the same officers of Government. Any loss to the proprietors of patronage in the matter of these appointments will be more than counterbalanced by the efficiency of the village establishments which this measure will ensure. Accordingly, the appointment, punishment and dismissal of karnams have been vested in the Revenue officer in charge of divisions of districts, their decision being subject to appeal to the Collector and the Board of Revenue in the same manner as is the case with their decisions affecting similar officers in Government villages.

3. While providing as above for the transfer to Revenue officers of the control over karnams, it has been thought desirable that the opportunity of the proposed legislation should be taken for introducing a few more cognate reforms in the village administration of proprietary estates.

4. One such measure of reform is to have a fairly uniform standard for a village which constitutes the territorial unit for purposes of Revenue administration. Power has therefore been taken in the Bill for sub-dividing large villages and clubbing together small ones.

5. Another measure of reform calculated on the one hand to secure the independence of village officers alike of the proprietor and his tenants and on the other to render their control by the Revenue officers more efficient is to substitute the system of payment by fixed salaries for the present system under which their remuneration is made up partly of emoluments from lands ("Inams") and partly of fees or merahs paid by the proprietors and their tenants. It is accordingly proposed to introduce into proprietary estates the salary system which has been introduced with advantage into Government villages in all settled districts; and in view to this to form a "fund" which will be constituted as described below.

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6. A third important measure of reform for which it is considered desirable that provision should be made in the Bill is to take power to extend the proposed legislation to such of the other village establishments besides karnams, as the Government may deem it expedient to bring under due control. Most of these village officers have important police and other public duties to perform, and the only way in which efficient performance of these duties could be ensured ~~would be~~ by providing that their remuneration shall be under the control of the officers of Government. So long as these officers derive their remuneration from "inams" or from fees and ~~merahs~~ paid by the proprietors and their tenants, it ~~would be impossible~~ to bring them under effective control; and such abuse of power as the "Kavalgars" employed in the zemindari and devastanam villages in the southern districts are notoriously guilty of ~~could not~~ be effectually suppressed. Accordingly, though the proposed enactment will be applied only to karnams in the first instance, provision is made in the Bill empowering the Governor in Council to extend the enactment to such other class of village officers as he may from time to time direct.

7. All village officers who may be brought within the scope of the proposed enactment will be paid, in lieu of their present emoluments, fixed salaries on a scale to be determined by the Board of Revenue from the fund spoken of above which will be called the "Proprietary estates" attached to such village offices as may from time to time be brought within the scope of the proposed enactment; (2) of a cess which will be levied in lieu of all other emoluments received by such village officers; and (3) of any fines recovered under the Act. It is intended that the fund thus constituted ~~should~~ be subject to no local restrictions as regards its utilization. As it is proposed that only those inams ~~should~~ be enfranchised under this enactment which were in existence at the time of permanent settlement and, therefore, excluded from the assets on which the permanent assessments were fixed, and that the money cess ~~should~~ be levied in lieu of all other payments at a uniform rate in all the estates, there can be no objection to the fund so constituted being regarded as a general fund available for expenditure, according to requirements, in all those estates which have contributed to it. It may be said that the cess levied under Madras Act IV of 1864 is subject to local restriction; but as these restrictions have been found to lead to irregularities of taxation and, felt as a serious obstacle in the way of rendering the village service uniformly efficient in all districts, it has been proposed to remove them in the Bill recently submitted to the Legislative Council for amending the Cess Act of 1864.

8. It is considered unnecessary to specify the duties of village officers. These will be left to be defined by the Board of Revenue, which is the general controlling authority in all revenue matters.

9. With these remarks the Bill is submitted for the early consideration of the Legislative Council. The defects of the law as regards Zemindari karnams require urgent remedy, and it is matter for regret that though the question of amending the law has been under consideration for now nearly 20 years and though the Board submitted a draft Bill with the above object so far back as 1874 and an amended Bill was actually introduced into the Legislative Council in 1883, nothing has yet been done.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 18th December 1888, No. 1024 :—

THE FULL BOARD.

Read—the following G.O., dated 16th April 1888, No. 270, Revenue :—

Read—the following G.O., dated 14th January 1888, No. 4, Legislative :—

ABSTRACT.—Communicating paragraph 6 of His Excellency the Governor's minute to the Select Committee on Malabar Evictions and Waste Lands Bill, and directing that the Karnams' Bill, No. 6 of 1883, referred to in paragraph 13 of the minute, be removed from the list of business, leaving the question of preparing a new Bill on the lines contemplated in Revenue G.O., No. 823 of 1885, for consideration in the Revenue Department.

Order—dated 16th April 1888, No. 270, Revenue.

Miscellaneous.

The Board of Revenue are requested to submit a revised Bill containing provisions for the levy of the village service

cess in zemindaries and whole inam villages as contemplated in G.O., dated 15th July 1887, No. 823, Revenue Department.

2. On reconsideration the Government are of opinion that the proviso to section 14 of the present Bill, which in the Government Order above referred to was ordered to be expunged, should be retained, as it is desirable that the settling officer should have power to impose full assessment in cases in which the holder of the inam proposed to be enfranchised is not entitled to enfranchisement on favorable conditions. The Government are also of opinion that in apportioning the village service cess between the zemindar and the ryot, the rule laid down in sections 73 and 75 of Madras Act V of 1884 should be adopted.

3. The file of papers received from the Legislative Department containing remarks and suggestions on the Bill will be forwarded to the Board for consideration in connection with the revised Bill now called for.

(True Extract.)

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

To the Commissioners of Land Revenue, with file of papers.
,, the Legislative Department.

Read—the following G.O., dated 3rd July 1888, Mis. No. 3850, Revenue:—

Read—the following G.O., dated 21st May 1888, No. 1162, Judicial:—

Read—again the following paper:—

G.O., dated 16th December 1887, Mis., No. 2862, Judicial:—

Read—the following petition from the landholders of Tinnevely, to His Excellency the Right Honorable the Governor of the Presidency of Fort St. George, dated 21st October 1887:—

The humble request of the landholders of the Tinnevely district is put forth thus:—

1. From the coronation of our Gracious Queen and Empress of India, all Her subjects of India have been prospering under Her Majesty's benevolent administration. But though we have been enjoying many rights concerning our lands after the time of the settlement, we have yet been suffering under some important concern. As we have long been expecting your Excellency's visit to this place, hoping that we shall then have our grievances redressed directly by your Excellency, we want to make the best use of your Excellency's presence.

2. We have been paying, with no dislike, our many taxes imposed upon us by the Government, in addition to what we have been paying for our lands, the fruit of which we have been duly enjoying though not without grievances.

3. We enjoyed much prosperity before the settlement by certain favorable arrangement. But since its introduction we have been paying our taxes even for such lands as have not been brought under cultivation by the unfitness of the season or by some other mischance, while most of the adjacent lands have been cultivated only in due season. In addition to this, we not only lose what we spend in this cultivation, but are also forced to pay the tax with no remissions, in case of the failure of one of the crops, while we get remission only in case of the total failure of the two crops.

4. The road cess collected from villagers in addition to the land tax is chiefly, we think, intended for public good, i.e., specially for the repairs of road or making convenient roads where there is necessary to the respective villages from which it is collected. The fund collected from villages, instead of being used for the benefits of the villages, is used by Government in various other ways without the least amount of benefit to the villages.

The villages suffer great amount of difficulties from want of roads, or repairs of roads if there happens to be any, for the free passage to cattle, bullocks and bandies to carry manure to the fields, to bring paddies from fields not only in rainy season, but also in other times. Not even a little portion of the tax they receive is spent for their benefits. We pray therefore your Excellency will be graciously pleased to take to your Excellency's benign consideration all their cravings and thus relieve them.

5. We humbly pray that your Excellency may notice all the following matters and may be pleased to pass favorable orders:—

(I) That we should get proper remission even in case of the failure of one of the crops of those lands which are twice cultivable every year.

(II) That we should get remissions also for such small pieces of land as become incapable of cultivation owing to the want of sufficient and proper water-supply.

(III) That your Excellency may be pleased to favor us with the enforcement of the Criminal Tribes Act against the most troublesome Maravers (criminal class) of the district in respect of damage to crops sustained by the landlords, and numerous heinous crimes, such as dacoities, robberies and burglaries often committed by them, and to augment the police force of the district for the safety of our person and property so that the ryots may not be obliged to resort to the kudikaval system now abolished.

(IV) That no member of the said dismissed kudi-kavalgars should be given any appointment at all, either of talayari or of vettian.

No. 7102.

With reference to their requests in clauses I, II and IV of paragraph 5, the petitioners are referred to the local authorities.

2. The request contained in clause III will be considered in the Judicial Department.

(By Order.)

FORT ST. GEORGE,
19th November 1887.

(Signed) H. A. STUART,
Under Secy. to Government.

To the Judicial Department, with petition.

Order—dated 16th December 1887, Mis. No. 2862, Judicial.

The petition, dated 21st October 1887, will be referred to the Inspector-General of Police and to the District Magistrate of Tinnevely for remarks, with reference to the requests in clause III of paragraph 5. Mr. Lee-Warner, District Magistrate of Chingleput, will also be requested to submit his opinion thereon. The report called for in paragraph 19 of G.O., 26th September 1887, No. 2198, from the District Magistrate of Tinnevely, should be expedited.

(True Extract.)

(Signed) H. E. STOKES,
Chief Secretary.

Read—also the following papers:—

From the Magistrate of the Chingleput district, dated Saidapet, 24th January 1888, No. 13—G. and B.

From the Acting District Magistrate of Tinnevely, dated Tinnevely, 18th April 1888, No. 460.

From the Acting Inspector-General of Police, dated Madras, 21st April 1888, No. 2179.

Order—dated 21st May 1888, No. 1162, Judicial.

In clause III of paragraph 5 of the petition from certain landholders of Tinnevely recorded in G.O., 16th December 1887, No. 2862, two requests are made, viz., first, that the Criminal Tribes Act should be enforced against the Maravers of the district of Tinnevely, and, second, that the police force of the district should be increased. The foregoing papers are replies received from officers to whom these requests were referred for remarks.

2. As regards the first request, the Government agree with the officers consulted that the enforcement of the Criminal Tribes Act, 1871, against the Maraver tribe, is altogether impracticable. The adoption of such a step would require legislation and could not be justified, and in considering the petition above referred to, the Government put this part of the prayer out of the question.

3. The matters connected with the second request and referred to in the foregoing papers are chiefly two—the management of the village police and the strength of the district force. Taking the latter first, the Government are of opinion that a good case for increasing the strength of the force has been made out. The Inspector-General of Police will take up the Tinnevely district first in connection with the

suggestions recently made in paragraph 3 of G.O., 7th March 1888, No. 595, and will submit proposals for providing an inspector for every division and a head constable for every station. Additional constables should also be given where necessary, and the proposals for this district should be submitted in advance of the general scheme, or the taluks of Tenkási, Nāngunéri and Ambásamudram may be separately dealt with.

4. The Government are not prepared to make the talayaries or Government kavalgars police officers under the Act, but they agree that this class of village officers should be brought under the partial control of the District Superintendent. The Superintendent should always be consulted before the appointment of a talayari is made, and his proposals to remove any talayari should receive the careful consideration of the Collector. The increase of pay which the village police may receive in the revision of village establishments will improve their position and make their office better worth having and themselves more careful in attending to their duties.

5. As Mr. Stevenson is now in Tinnevely, he may be able to introduce some part of the system, said to have been so successful in North Arcot, for encouraging and maintaining control over the talayaries. The Government fear there would be difficulty in adopting the District Magistrate's suggestion regarding the application of the provision of Madras Act III of 1882, and doubt the necessity of the measure.

6. As regards the employment by the ryots of kudi-kavalgars, nothing can be done. Of course, such active breaches of law as exaction and terrorism can be punished, as pointed out in G.O., 30th November 1881, No. 1843, Revenue Department. The kavalgars in zemindari and devastanam villages can only be touched by extending the Village Cess Act to zemindaries, when the cess would take the place of the swatantrams and the establishment could be reorganized. It seems desirable that this should be done, and the matter will be referred for consideration in the Revenue Department in connection with the question of a new Bill for karnams in zemindari tracts which formed the subject of paragraph 4, G.O., Legislative, 14th January 1888, No. 4.

(True Extract.)

(Signed) H. E. STOKES,
Chief Secretary.

To the Revenue Department.
" Inspector-General of Police.
" District Magistrate, Tinnevely.
" " " Chingleput.

Order—dated 3rd July 1888, Mis. No. 3850, Revenue.

Communicated to the Board of Revenue in continuation of G.O., dated 16th April 1888, No. 270, Revenue. They will also submit their remarks on the question referred to in paragraph 6.

(True Extract.)

(Signed) H. A. STUART,
Under Secy. to Government.

To the Commissioners of Land Revenue.

Resolution—dated 18th December 1888, No. 1024.

In the first of the Government Orders read above the Board are requested to submit a revised Zemindari Karnams' Bill, containing provisions for the levy of the village service cess in zemindaries and whole inam villages as contemplated in G.O., dated 15th July 1885, No. 823, Revenue.

2. In the later Government Order the Board are requested to submit their remarks on the question of extending the Village Cess Act bodily to zemindaries, chiefly as a means for preventing the exactions and terrorism of the kavalgars.

3. This latter question of extending the Village Cess Act to zemindaries and reorganizing the entire village establishments therein is an important one and formed one of the alternative proposals made by the Board in their Proceedings, dated 18th May 1885, No. 1451; but most of the Collectors who reported in 1874-75 on the question were opposed to the measure. Such of them as advocated it did so on the grounds mainly that it would (1) ensure payment of the emoluments of village servants, and (2) make it possible to enforce the performance of duties for which they were remunerated, but the testimony of the Revenue officers generally was to the effect that there was in reality no room for complaint on either of these points except as regards karnams; and several practical difficulties were also urged against the introduction of the measure (paragraph 14 of Board's Proceedings, dated 27th October 1875, No. 2975). To the difficulties therein specified may be added this, that in the absence of a regular survey and settlement, and most zemindaries are unsurveyed, it would be practically impossible to introduce the Cess Act and reorganize the village establishment therein. It was partly on account of these difficulties, but mainly because there were no complaints either by or against the other village officers, while the position of the zemindari karnams was unsatisfactory in many ways owing chiefly to their anomalous legal status and was complained of universally, that the Board limited their consideration in the draft Bill submitted with their Proceedings of 1875 to amending the law so far only as it related to karnams.

4. Circumstances have not changed very materially since then so far as the other village officers are concerned. As regards the kudikaval system obtaining in the Tinnevely and adjacent districts there is no question but that its ultimate suppression should be kept in view and that the first step to be taken in that direction should be to abolish the swatantram fees in zemindaries by extending the Cess Act to them. Yet seeing that this extension implies consideration of several circumstances, some of which are referred to in items 3-7 of paragraph 14 of Board's Proceedings of 1875 and on most of which full and detailed information will have to be obtained from Collectors; that this reference to Collectors will involve great delay; that it is desirable to get the Karnams' Bill pushed on as speedily as possible; that the extension of the Village Cess Act to zemindaries may well form a subject for consideration by itself and for separate legislation should such be deemed necessary when the question is ripe for decision; the Board resolve to submit the Bill revised only with reference to the Government Order first read at the head of these Proceedings; but at the same time to call upon all Collectors to report on the larger question of extending the Cess Act to zemindars, furnishing for each zemindari information on the following points:—

- (1) The number of existing village officers other than karnams.
- (2) The number which it is desirable to maintain.
- (3) The existing remuneration of these officers.
- (4) The assets which would be available in the shape of quit-rent on inams.

5. Even as regards the Karnams' Bill, the Board are not as yet in a position to recommend a definite rate at which the cess should be levied; but as for the purposes of the Act only the maximum rate need be fixed, the Board have not thought it necessary to keep back the Bill until the information as to the rate actually to be levied is obtained. This information, however, will be called for immediately and it is hoped that by the time the Bill is passed and the Act is ready to be introduced the Board will be able to fix the rate which should be actually levied.

6. Before passing to the Bill the Board wish to observe with reference to the second Government Order read at the head of these Proceedings and as an additional reason why the Board have resolved not to delay the submission of the revised Bill till they should be in a position to make definite recommendations about extending the Cess Act, that while they admit that the kaval system is a relic of unsettled times and consequently behind the age and that it is open to great abuse, they are also of opinion that its suppression should be gradual. In saying this it is not alone the practical impossibility of suppressing their influence all at once that the Board have in view. They are of opinion and their opinion is based on personal knowledge that

the system is not an unmixed evil. A very large percentage of the detection of crime in the rural parts of the country is due to the exertions of the kavalgar class and though disposed occasionally to trade upon their power they perform a useful function which in the present state of the country it would be inexpedient to forego, even if the finances would permit of their being completely replaced by equally efficient agency.

7. Turning now to the Bill, the first and most important point for consideration is the constitution of the karnams' fund. It is mainly with a view to the consideration of this point that the Bill has been referred to the Board.

8. In the draft Bill submitted by the Board in 1879 the question of the emoluments of karnams was not touched at all. It was seen from the reports received from Collectors and others that there was no complaint on the score of the emoluments of the karnams being insufficient; and though it appeared that in some estates the number of karnams was not sufficient it was reported that there would be no difficulty in getting a sufficient number provided. The Board accordingly limited their consideration to making only such provision as was considered necessary for bringing the zemindari karnams under the control of the Revenue officers.

9. When however the Bill was introduced in the Legislative Council in 1883 by the Honorable D. F. Carrichael provision was made for the determination of village units and the appointment of a karnam for each such village and in view of finding funds for the remuneration of the additional karnams which this provision might necessitate it was proposed to enfranchise the karnams' inams and form a karnam fund out of the quit-rents. It was believed by the Honorable mover that the aggregate of the quit-rents would suffice to place the karnamship of each village in a zemindari on a satisfactory footing, the karnam being allowed (this provision should be specially noted) in addition to the salary paid to him out of the fund, to receive the fees in money or in kind which are due to him at the harvest and on other occasions from the ryots. This last provision which permits the continuance of the fees did not, however, find a place in the Bill; and though it is not specially referred to in the subsequent reports on the Bill by the Select Committee nor in the G.O., dated 15th May 1884, No. 2063, is presumed from the absence of any provision in the Bill similar to section 6 of Act IV of 1864 that it was the intention of the Select Committee as well as of Government that the fees and merahs should be continued.

10. In replying to the Government Order last quoted above the Board reported that the proceeds of enfranchisement would not be sufficient and that therefore either the village service cess should be introduced or a cess similar to the land cess, to be borne equally by the zemindar and his tenants, the former getting in return the proceeds of enfranchisement of the karnam inams and the latter being relieved of the merahs now paid by them.

11. Government in their Order, dated 15th July 1885, No. 823, Revenue, suggested that the apportionment of the cess between the zemindar and his tenants should be in the ratio of 1 : 3 on the ground that as the cess would supersede the merahs which were deductions from the gross produce the distribution of the cess should be according to the shares of the gross produce that, it was estimated at the time of permanent settlement, fell to the zemindar and the tenant, respectively. This latter ratio was taken by Government to be 1 : 3 assuming apparently that out of the zemindar's share of the gross produce (theoretically one-half) the zemindar paid $\frac{2}{3}$ (the theoretical proportion) to Government.

12. In their subsequent order, however, now under reply Government have directed that the apportionment should follow the rule laid down for the land-cess. This rule would give the same result as the rule of proportion ordered in the previous Government Order if the theoretical proportion $\frac{2}{3}$ noted above represents the shares in which the rental is actually divided between the zemindar and Government. But, when it is remembered that the permanent settlement in the case of some estates was, not with reference to the assets, so much as with reference to the fact that the proprietors were absolved from the obligation of rendering military service (e.g.,

Venkatagiri—G.O., dated 16th January 1884, No. 2249) that even in those cases in which the settlement was based on the assets the same proportion was not adopted and that since the permanent settlement the rental actually received by the zemindar has greatly increased while the peishcush remains constant, it will be seen that the ratio of the peishcush to the rent value of an estate will, while ranging between very wide limits, be in most cases considerably less than $\frac{2}{3}$. Taking some of the principal estates now under the management of the Court of Wards it is seen that this ratio ranges between 8 per cent. in the case of Jarada and 52 per cent. in the case of Erumaipati, the average for 19 zemindaries being under $\frac{1}{3}$. * The effect of this will be that when the land cess mode of apportionment is adopted the ratio of the landlords' share to the tenants' will be greater than 2 to 3.

* Vide statement D.

13. The question then arises—How is the zemindar to be compensated for this large proportion of cess which he is to be called upon to pay? In their Proceedings of 1885, the Board suggested that in the event of a cess similar to the land-cess being levied, the zemindar should take the proceeds of enfranchisement of the karnams' inams. Though Government have not either in the Government Order of 1885 or in the Government Order under reply expressed an opinion on this point, the Board presume that the Government will see the propriety of compensating the zemindar to some extent. The land-cess was a new tax both on the zemindar and the tenant and was made to fall therefore more or less equally on both parties. But the cess now proposed to be levied is in lieu of an existing charge and its relative incidence must as far as possible be in proportion to the charges now actually borne by the parties. In the case of the tenants the cess will replace the merahs now paid by them. There should be a corresponding relief to the zemindar. It is true that he will not have to pay the fees that he now pays but the fees paid to karnams are not in all cases deductions from the gross produce. In some cases the zemindar has granted inams in lieu of his share of the fees and in these cases unless he is allowed to resume the inams or at all events to take the proceeds of their enfranchisements, in the event of these inams being also enfranchised, he will obtain no relief at all and the cess will *pro tanto* become an entirely new tax on him. The mere discontinuance of the existing fees may be no relief to the landlord in some cases and be a very insufficient relief in many others. Such being the case the question arises what would be adequate relief to the zemindar? This question is, however, by no means capable of a satisfactory general solution, owing to the very varied ways in which karnams are remunerated in the different estates.

14. The various modes obtaining in the several estates are reducible to the following heads (shown in detail in statement A).

I. Grants of land, rent-free, made—

- (1) Prior to the permanent settlement, &c.
 - (a) Excluded from the assets on which the peishcush was fixed, or
 - (b) Not so excluded.
- (2) Subsequent to the permanent settlement.

II. Assignments of assessment on lands—

- (1) in the occupation of karnams, or
 - (2) in the occupation of others.
- Sub-divided as in case I.

III. Fees or merahs—

- (1) Paid by proprietors.
- (2) Do. tenants.
- (3) Paid jointly by both.

Each estate has its own "mamul" in this respect and it would be no easy matter to determine in each case in what proportion the karnam's total remuneration falls on the zemindar and on his tenants. Even if this determination were possible, it would not be of much use unless the apportionment of the cess is to be different for different estates—a very undesirable and inconvenient thing in a tax.

15. In these circumstances only an approximation is possible and it seems to the Board that it would be a sufficient return to the zemindar if in addition to being relieved of the obligation to pay the existing salaries and fees he is allowed to take back the inams granted by him subsequent to the permanent settlement as well as such of the prior inams as were not excluded from the assets on which the peishush of Kālahasti and Venkatagiri in G.Os., Nos. 3 and 22, dated 10th January 1884 and was fixed at the time of permanent settlement (*vide* sanads quoted by the Zemindars of 16th January 1884, Legislative). An additional reason in favor of this last proposal is that the Government have strictly no claim to these inams, as even the subsequent inams are not of the nature of the grants prohibited in section 12 of Regulation XXV of 1802. These inams may have been granted to make up deficiency in the emoluments of the regular and established number of karnams at the time of permanent settlement (section 11 of Regulation XXV of 1802) or to provide for additional karnams subsequently appointed (section 2 of Regulation XXIX of 1802). The case is different, however, with the prior inams excluded as such at the time of permanent settlement. These are Sirkar or Government grants and may be disposed of by Government as they think proper. If these are therefore enfranchised and the proceeds of enfranchisement added to the cess, the karnams' fund would be contributed to by the Government and the zemindar very nearly in the proportion in which the rental is actually divided between them (paragraph 20 *infra*).

16. In regard to the inams which it is proposed to give back to the zemindar the question will arise whether the zemindar should be allowed to deal with them as he chooses and the law will allow or whether the benefits of enfranchisement should be extended to the holders of these inams considering that the services for which they were granted are now to be otherwise paid for, and that the grantor may therefore fairly claim them back again. The Board are in favor of the former alternative. So much as to the constitution of the fund.

17. The next question is, what should be the rate of cess. The answer to this question will depend on whether the karnams' fund should be different for the different estates or districts, or should be one for the whole Presidency.

18. In the Bill drafted by the Select Committee it is proposed to have a karnam fund for each estate with the proviso that the surplus fund of one estate may be utilized in those estates of the district which show a deficit. This restriction corresponds to the restriction now placed on the utilization of the Village Service Fund. But considering that this latter restriction necessitates irregularities of taxation which are undesirable in themselves and has always been felt as a serious obstacle in the way of rendering the village service uniformly efficient in all districts, that the Board have repeatedly urged on Government the desirability of abolishing it, that Government in their recent order, dated 1st September 1888, No. 615, have at last approved the Board's suggestion that it should be removed; the Board are strongly of opinion that the zemindari karnams' fund should be a general Presidency fund capable of utilization wherever there is need. Some of the zemindars whose memorials on the karnams' Bill are in the file of papers forwarded with the Government Order have objected to the surplus of the karnam fund of one estate being utilized to make up the deficit in others. It is urged that as some zemindars have granted inams more liberally than others it would be unfair to utilize the surplus fund of their estates in supplementing the deficit in the funds of the less liberal proprietors. This would mean as the zemindar of Chintapativontu puts it "that those that have not granted the inams are fortunate, whereas those that have granted them are otherwise." This objection, however, will not apply to the proposal contained in these Proceedings, that the inams granted by the zemindars themselves should be returned to them. The Board have accordingly modified section 17 of the Bill rendering the fund available for expenditure throughout the Presidency.

19. It follows from this that the cess should be levied at the same rate in all estates. The next question then is what should be the rate of cess. The Board regret that as already observed they are not now in possession of data to decide this. But

for the purposes of the Act it is only the maximum rate that needs to be specified and this rate may be fixed as follows.

20. In their circular memorandum, dated 23rd May 1874, No. 651, the Board called upon Collectors with reference to paragraph 9 of G.O., dated 12th April 1872, No. 595, to report the number and emoluments of zemindari karnams and a statement prepared from their replies was submitted to Government with Board's Proceedings, dated 27th October 1875, No. 2975. This statement, copy of which is annexed hereto, though incomplete and possibly also not quite accurate gives a tolerably fair idea of the emoluments now enjoyed by the karnams. According to this statement (Statement B), the total emoluments in such estates as are included in it amount to about $4\frac{1}{2}$ lakhs distributed approximately as shown below:—

	LAKHS.
From inams excluded at the time of permanent settlement	1
„ other inams	1
„ fees and meras	2 $\frac{1}{2}$
Total	4 $\frac{1}{2}$

Comparing this with the amount of land-cess contributed by these estates (statement C), namely, about 8 lakhs, it will be seen that a cess of 9 pies in the rupee would be probably ample to meet all requirements. The amount available according to this rate will be about $6\frac{3}{4}$ lakhs, the $\frac{3}{4}$ lakhs being approximately the quit-rent on the "excluded" inams. The distribution of this $6\frac{3}{4}$ among the three parties—the Government, the zemindar and the tenant—may be noted. The peishush is on an average about $\frac{1}{3}$ of the rental (paragraph 13) and according to the land-cess rule the zemindar can recover half the cess from his tenants (section 73 of Act V of 1884) and get a remission of the other half on an amount equal to the peishush he pays or $\frac{1}{3}$ of $\frac{1}{3}$ or $\frac{1}{9}$. The actual distribution between the zemindar and his tenants will thus be as $\frac{1}{9}$ to $\frac{2}{9}$ or 2 to 3, that is; the zemindar will pay $\frac{2}{3}$ of 6 or 2.4 lakhs and the tenants $\frac{1}{3}$ of 6 or 2 lakhs. In return the zemindar will get 1 lakh, being the assessment on the second class of inams, so that his actual contribution will be 2.4—1 or 1.4 lakhs, and the Government contribution .75 lakhs, being the quit-rent on the first class of inams. These two are very nearly in the ratio of 2.1 which corresponds to the ratio in which the rental is actually shared by the zemindar and Government.

21. Accordingly the maximum rate leviable under the Act may be fixed at 9 pies. But as stated above in paragraph 4 Collectors will be called upon to report—

- (1) The number of karnams required for each estate.
- (2) The average pay for which provision should be made.
- (3) The probable amount of quit-rent realizable by enfranchising the "excluded" karnams' inams.
- (4) The rent value of each estate.

When these reports are received the Board will be in a position to decide the amount required for a complete reorganization of the karnams' establishment and the rate of cess which should be actually levied throughout the Presidency. But in the meantime the Bill will be submitted to Government, revised in accordance with the recommendations made above as regards the constitution of the karnams' fund and the rate of cess.

22. The Board have taken this opportunity of making a few alterations in the other provisions of the Bill which are detailed below:—

Preamble.—The Board have included inam villages within the scope of the Bill as the karnams there are much in the same unsatisfactory position as those in zemindaries.

23. *Section 5 (c).*—The words "after any inam village" have been omitted and the word "village" in the same section has been defined so as to include any estate or part of an estate.

24. *Sections 6, 7 and 8.*—The time allowed in the original draft to proprietors to show cause why any part of their estate should not be registered as a separate village was 30 days. The Zemindar of Kālahasti however points out that it takes 5 days to get a communication from some parts of his estates and that local inquiries may be necessary in some cases. The Board have therefore allowed 60 days.

25. It seems to the Board that distinct provision may be made in the Act for a complete reorganization of the karnam establishment of any estate to which this Act is applicable being undertaken whenever in the interests of administration this may be thought desirable. Provision has accordingly been made empowering Collectors under the authority of the Board not only to divide large villages, but also to club small ones together whenever it may be considered expedient to do so. The cost of demarcation in such cases may legitimately be met from the karnams' fund. A clause to this effect has accordingly been introduced.

26. In view of the modifications noted above, section 8 has been placed immediately after section 5, section 9 omitted and the necessary alteration made in section 10.

27. *Section 11.*—In the memorials submitted to the Legislative Council, exception is taken to the proposed withdrawal of the power of appointment of karnams from the proprietors. In all the sanads of permanent settlement it is distinctly stated that the karnams shall be appointed by the proprietor. If the privileges granted by the sanads can be left intact with due regard to the interests of the public service, it should be done: and as it seems to the Board that the appointment of karnams may be left with the proprietor subject to revision by the Collector, they would alter section 11 so as to provide that karnams may tender their resignation to the proprietor and that he should send a copy of it and of his order thereon to the Divisional officer.

28. *Section 12.*—The zemindars apprehend that they can exercise no authority over their karnams if they have always to complain to a Revenue officer when a karnam commits a fault. As there is some reason in this the Board would allow proprietors to fine karnams to the extent of Rs. 3 after inquiry by a decision in writing which would be subject to appeal. For any severer punishment which they may consider necessary, they must go to the Divisional officers. This section has been altered accordingly.

29. *Section 13.*—With reference to the remarks on section 11 that the appointment of karnams may be left with the proprietors, the words "appoint," "appointed," &c., have been substituted for the words "nominate," "nominated," &c.

30. *Section 14.*—This has been altered in accordance with paragraphs 13—16 above.

31. *Section 16.*—The Board doubt whether it would be safe to give proprietors power under Act II of 1864 especially without subjecting them to its penalties. They consider that the analogy of section 74 of the Local Boards Act might be followed and this section has therefore been omitted and fresh provision made accordingly in a new section.

Section 17.—This has been altered in accordance with the recommendation in paragraphs 18 to 21 and an addition has been made, on the suggestion contained in some of the papers submitted to the Legislative Council that any fines recovered under the Act shall be added to the karnams' fund. For the levy of the cess, four new sections have been inserted between sections 16 and 17 of the Bill. These new sections correspond to sections 73—76 of the Local Boards Act.

32. *Section 18.*—A few additions have been made to the duties specified in this section. In clause (i) *V pattas* have been added to the muchilikas. A paragraph has been introduced between clauses xiii and xiv requiring the karnam to help the village munsif in civil and magisterial cases before him by acting as clerk. This duty which is one of importance in Government villages is neglected in zemindaries. Sub-section (2) merely requires that the records should be open to inspection by the proprietor; whereas section 12 of Regulation XXIX of 1802 required karnams to produce the records, &c., whenever required by the proprietor or farmer of the lands. The Board have accordingly added the words "or the proprietor" after "district."

33. *Section 19.*—After the word "Act" in the first line, the words "held by an officer of Government" have been inserted in view of the modification proposed in sections 11 and 12.

34. *Sections 20, 21 and 22.*—It is suggested in many of the papers laid before the Legislative Council that appeals should follow the course taken by appeals under Act VIII of 1865, i.e., should go to the District Court and the High Court instead of to the Collector and the Board of Revenue, &c. The Board however do not see any sufficient reason for giving zemindari karnams different treatment from the karnams of Government villages.

35. *Section 23.*—Two clauses have been added to this section giving the Board power to make rules with regard to dividing and clubbing villages and reorganizing the existing karnams' establishment. This is necessary, as many minor instructions will be necessary in carrying out the details of reorganization, which cannot be embodied in the Act.

36. A copy of the Bill showing in parallel columns the present and the proposed provisions is appended to these Proceedings.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

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

STATEMENT A.

Karnams are remunerated—			
(1) By grant of land rent-free.	....	(a) Made prior to permanent settlement. (b) Made subsequent to permanent settlement.	(a) and excluded from the assets on which the peishcush was fixed. (b) not so excluded.
(2) By assignment of assessment of lands.	A, in their own occupation B, in others' occupation.	(a) { β. (b) { α. β.	{ As in (i). Do.
(3) By fees or mohals.	Paid by the proprietor .. Paid by the tenants .. Paid jointly by the proprietor and the tenants.	(i) As a percentage on the melvaram demand. (ii) As a fixed monthly pay. (iii) As a percentage on the kudivaram share. (iv) As a fixed monthly pay for each village. (v) As a percentage on the gross produce. (vi) At a fixed rate on extent of cultivation. (vii) As a fixed money or grain payment on each village.	

(STATEMENT B).
Abstract statement showing the number and emoluments of Zemindari Karnams.

KARNAMS' EMOLUMENTS.																
District.	Number of estates, of villages.	Number of villages.	Peishcush.	Deductions made to meet the cost of village establishment.	Number of karnams.	Land.		Fees.	Land and fees.		Money.	Grain.	Money and grain.	Land, money and grain.	Grain fees, &c.	Total.
						Rs.	Rs.		Rs.	Rs.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
Ganjam ..	57	2,691	Rs. 4,31,005	Rs. 413	1,244	Rs. 11,343	Rs. 337	Rs. 29,390	Rs. 737	Rs. 3,193	Rs. 47	Rs. ..	Rs. ..	Rs. 45,047		
Vizagapatam ..	35	2,264	Rs. 9,54,127	Rs. 22,032	3,292	Rs. 81,084	Rs. 122	..	Rs. 341	Rs. 5,459	2	Rs. ..	Rs. ..	Rs. 87,008		
Godavari ..	101	943	Rs. 7,53,450	Information not available.	934	Rs. 50,406	Rs. 9,268	..	(a) 4,172	Rs. 4,888	..	Rs. ..	Rs. ..	Rs. (a) 68,734		
Kistna ..	29	248	Rs. 1,96,001	Rs. ..	425	Rs. 7,419	..	..	Rs. 5,313	Rs. 8,656	Rs. 205	Rs. ..	Rs. ..	Rs. 18,823		
Nellore ..	4	1,091	Rs. 4,02,297	Rs. ..	1,332	Rs. 7,749	..	..	Rs. 17,672	..	..	Rs. ..	Rs. ..	Rs. 33,707		
Chingleput ..	192	356	Rs. 1,06,463	Rs. 17,668	339	Rs. 7,749	..	..	Rs. 3,770	Rs. 10,153	..	Rs. 48,630	Rs. ..	Rs. 78,801		
North Arcot ..	11	3,084	Rs. 4,95,774	Rs. 817	817	Rs. 7,963	..	..	Rs. 2,715	Rs. 19,493	..	Rs. ..	Rs. ..	Rs. 815		
South Arcot ..	4	17	Rs. 8,599	Rs. 31	9	Rs. 190	..	..	Rs. 559	66	Rs. 1,594	(c) 252	Rs. ..	Rs. 3,275		
Tanjore ..	13	252	Rs. 31,433	Rs. 7,778	73	Rs. 2,829	..	..	Rs. 762	(b) 667	Rs. 2	Rs. ..	Rs. ..	Rs. 8,632		
Trichinopoly ..	6	260	Rs. 51,942	Rs. 18,050	198	Rs. 3,933	..	..	Rs. 6,063	..	Rs. 22	Rs. ..	Rs. ..	Rs. (a) 32,607		
Madura ..	25	2,407	Rs. 4,96,954	Rs. ..	1,467	Rs. 3,933	..	..	Rs. 4,167	..	Rs. ..	Rs. ..	Rs. ..	Rs. (c) 17,456		
Sivaganga ..	..	710	Rs. 3,08,183	Rs. 9,715	425	Rs. 5,084	..	..	Rs. 4,671	..	Rs. ..	Rs. ..	Rs. ..	Rs. 28,101		
Tinnevely ..	28	50	Rs. 27,691	Rs. 3,488	25	Rs. 132	..	..	Rs. 13,003	..	Rs. ..	Rs. ..	Rs. ..	Rs. 1,329		
Coimbatore ..	129	1,658	Rs. 4,45,698	Rs. 27,915	409	Rs. 132	..	..	Rs. 63,975	Rs. 52,527	Rs. 39,603	Rs. 49,087	Rs. ..	Rs. 13,135		
Salem ..	624	16,031	Rs. 46,99,617	Rs. 1,07,130	10,989	Rs. 1,78,162	Rs. 9,727	Rs. 29,390	Rs. 63,975	Rs. 52,527	Rs. 39,603	Rs. 49,087	Rs. 18,346	Rs. 4,69,602		
Total ..															Grain (vide A below).	

Rs.
[Column 7 .. 1,78,162
Half of column 9 .. 14,695
One-third of column 13 .. 16,363
Total from land .. 2,09,220 (Approximately).]

* Excluding Ramnad for which information is not available.

A. Grain—
Under putties .. 761
Putties .. 77
Tobacco, visces .. 164
Chillies, " .. 127
(a) Includes Rs. 18 in money for sadward
(b) Exclusive of grain fees to 6 karnams in Singavanam.
(c) Exclusive of 17 mahs and 82 galls of Ardhmanicur.
(d) Exclusive of Sivaganga, shown below.
(e) No inam lands in this zemindari—vide G.O., dated 6th July 1888, No. 108, Legislative.

C.

STATEMENT of Land-cess charged in Zemindari, Shrotriem and Inam villages.

Districts.	ZEMINDARI.		SHROTRIEM.		INAM.		TOTAL.
	Amount.	Rate.	Amount.	Rate.	Amount.	Rate.	Amount.
	RS. A. P.	AS.	RS. A. P.	AS.	RS. A. P.	AS.	RS. A. P.
Ganjam	1,06,787 8 2	1	.. .. .	.. .. .	7,741 5 3	1	1,14,528 13 5
Vizagapatam	1,42,509 2 3	1	.. .. .	.. .. .	38,692 13 3	1	1,81,201 15 6
Godavari	83,396 10 1	2	7,853 2 10	2	2,275 7 1	2	93,435 4 0
Kistna	60,717 9 7	1	.. .. .	.. .. .	11,478 7 1	1	72,196 0 8
Nellore	59,758 0 0	1	10,315 0 0	1	.. .. .	.. .. .	70,073 0 0
Cuddapah .. .. .	.. .. .	.. .. .	4,070 6 1	1	150 12 5	1	4,221 2 6
Anantapur .. .. .	.. .. .	.. .. .	.. .. .	.. .. .	2,077 11 0	1	2,077 11 0
Bellary .. .. .	.. .. .	.. .. .	.. .. .	.. .. .	3,015 0 0	1	3,015 0 0
Kurnool .. .. .	.. .. .	.. .. .	.. .. .	.. .. .	1,221 0 0	1	1,221 0 0
Chingleput	14,738 0 5	1	.. .. .	.. .. .	17,801 5 5	1	32,539 5 10
North Arcot	1,01,169 0 0	1	1,381 0 0	1	4,704 0 0	1	1,07,254 0 0
South Arcot	1,534 0 0	1	.. .. .	.. .. .	3,405 0 0	1	4,939 0 0
Tanjore	4,323 0 0	1	8,430 0 0	1	29,279 0 0	1	42,032 0 0
Trichinopoly	20,410 0 0	1	.. .. .	.. .. .	7,214 0 0	1	27,624 0 0
Madura	1,26,738 0 0	1	.. .. .	.. .. .	64,936 0 0	1	1,91,674 0 0
Tinnevely	41,941 10 11	.. .. .	.. .. .	.. .. .	13,285 1 9	.. .. .	55,226 12 8
Coimbatore	5,543 0 0	1	.. .. .	.. .. .	935 0 0	1	6,478 0 0
Nilgiris .. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
Salem	33,414 0 0	.. .. .	.. .. .	.. .. .	9,984 0 0	1	43,398 0 0
South Canara .. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
Malabar	454 7 1	2	.. .. .	.. .. .	.. .. .	.. .. .	454 7 1
Total	8,03,344 0 6	.. .. .	32,049 8 11	.. .. .	2,18,195 15 3	.. .. .	10,53,589 8 8

* Not given.

STATEMENT D.

Estates.	Current demand.	Peishcush.	Percentage.
Parlakimedi ..	Rs. 3,86,092	Rs. 87,800	23
Chinna Kimeri ..	72,722	20,800	29
Jarada ..	23,898	2,000	8
Utlam ..	45,963	12,500	27
Dharakot ..	80,665	24,500	30
Bodagoda ..	24,923	4,000	16
Kallikot and Atigada ..	2,50,000	78,900	32
Meringhi ..	46,692	18,500	40
Sripuram ..	19,171	8,800	46
Kapileswarapuram ..	86,000	15,800	18
Kangundi ..	75,949	23,000	30
Gandharvakota ..	35,869	6,600	18
Ramnad ..	8,04,778	3,14,000	39
Saptar ..	33,571	8,800	23
Erumaipati ..	16,172	8,400	52
Shulagiri ..	18,655	5,600	30
Meduru ..	86,000	16,300	19
Marungapuri ..	53,000	20,600	39
Mailavaram ..	17,000	4,100	24
Total ..	21,82,120	6,80,900	31.2

No. 6 of 1883.

A Bill to amend the Law in regard to Karnams in Estates permanently settled, &c.

(As amended by the Select Committee).

WHEREAS it is expedient to amend the law relating to karnams in permanently settled estates, and in unsettled palaiyams, and to make better provision for the speedy disposal of claims to the office of karnams for the prevention of irregularities on the part of such karnams thereof, for the summary punishment of such irregularities, and generally for securing the efficiency and uprightness of such karnams; It is hereby enacted as follows:—

1. This Act may be called the Madras Karnams Act, 1883.

2. It extends to the territories for the time being administered by the Governor in Council of Fort St. George, except the Scheduled Districts as defined under the Scheduled Districts Act, 1874.

3. It shall come into force on the day of 1883.

4. Regulation XXIX of 1802, (*A Regulation for establishing the office of karnam and defining the duties of the said office*), is hereby repealed.

5. In this Act, unless there is something repugnant in the subject or context,—

"Estate" means and includes—

(a) any estate permanently settled under Regulation XXV of 1802;

(b) any unsettled palaiyam; and

(c) any inam village situated in any estate permanently settled or in any unsettled palaiyam.

"Proprietor" includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the district, wherein the estate is situated,

"Village" includes any part of an estate entered as such in the said registers.

"Karnam" includes any person for the time being discharging the duties of the office of karnam in any village.

No. 6 of 1883.

A Bill to amend the Law in regard to Karnams in Estates permanently settled, &c.

(As amended by the Board).

WHEREAS it is expedient to amend the law relating to karnams in permanently settled estates, in unsettled palaiyams, and in whole inam villages, and to make better provision for the speedy disposal of claims to the office of karnam, for the prevention of irregularities on the part of such karnams thereof, for the summary punishment of such irregularities, and generally for securing the efficiency and uprightness of such karnams; It is hereby enacted as follows:—

1. This Act may be called the Madras Karnams Act, 1883.

2. It extends to the territories for the time being administered by the Governor in Council of Fort St. George, except the Scheduled Districts as defined under the Schedule Districts Act, 1874.

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"Estate" means and includes—

(a) any estate permanently settled under Regulation XXV of 1802;

(b) any unsettled palaiyam; and

(c) any inam village.

"Proprietor" includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the district, wherein the estate is situated.

"Village" includes any estate or part of an estate entered as such in the said registers.

"Karnam" includes any person for the time being discharging the duties of the office of karnam in any village.

(Vide 8 below).

6. (1) Whenever it appears to the Collector of the district that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, he may, by notice in writing, require the proprietor of such estate to show cause, within thirty days after service of such notice, why such part should not be so registered.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, by notification in the District Gazette, declare such part of the estate to be a village, define its limits and enter it as a village in his register, and shall cause such notification to be published in the said village.

7. (1) Every proprietor shall, on the requisition and subject to the approval of the Collector of the district, nominate for every village in his estate a duly qualified person, who shall be called the karnam.

(2) Provided that no person shall be employed as karnam of more than one village without the sanction of the Collector.

(3) If any proprietor neglects for thirty days after such requisition to nominate a duly qualified person, the Collector of the district may employ a duly qualified person to be the karnam.

8. Every proprietor shall within ninety days after this Act comes into force, prepare a register in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the district, and shall keep a copy thereof.

9. All changes and additions rendered necessary in carrying out the provisions of this Act shall, from time to time, be duly entered in such register by the Collector and in the copy thereof by the proprietor.

10. Any proprietor who omits to furnish the register or to keep a copy thereof, as provided by section 8 or to obey the directions of

6. Every proprietor shall within ninety days after this Act comes into force, prepare a register in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the district, and shall keep a copy thereof.

7. (1) Whenever it appears to the Collector of the district that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, or several small villages should be clubbed together, he may, by notice in writing, require the proprietor of such estate to show cause, within sixty days after service of such notice, why such part should not be so registered or such villages so clubbed together.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, and under the guidance of such rules as may be laid down by them in this behalf, declare by notification in the District Gazette, such part of the estate or such several villages to be a village, define its limits and enter it as a village in the A-form register of the estate kept in his office, and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor.

(3) The cost of all proceedings as aforesaid shall be paid from the Karnams' Fund which will be constituted as hereinafter stated.

8. (1) Every proprietor shall, on the requisition and subject to the approval of the Collector of the district, nominate for every village in his estate a duly qualified person, who shall be called the karnam.

(2) Provided that no person shall be employed as karnam of more than one village without the sanction of the Collector.

(3) If any proprietor neglects for thirty days after such requisition to nominate a duly qualified person, the Collector of the district may employ a duly qualified person to be the karnam.

(Vide 6 above).

9. Any proprietor who omits to furnish the register or to keep a copy thereof, as provided by section 6 or to have entered therein the

section 9, shall be liable to a fine not exceeding Rs. 100 for every such offence, and to a further fine not exceeding Rs. 50 for every day during which the offence is continued after such fines; and such fines and any other sums, payable by the proprietor under this Act, shall be recoverable in the manner provided in Act II of 1864 of the Madras Code for the recovery of arrears of revenue.

11. Any karnam may tender his resignation through the proprietor to the Revenue officer in charge of the division of the district, wherein the village is situated, and, on the acceptance of his resignation, such karnam shall be deemed to have vacated his office.

12. The Revenue officer in charge of the division of the district, wherein any village is situated, may, on complaint made by the proprietor or otherwise, and after due inquiry, by a decision in writing, fine, suspend or dismiss any karnam for incapacity, neglect of duty, or other just cause.

13. (1) If the office of karnam in any village becomes vacant, the proprietor shall at once nominate a person having such qualifications as may be from time to time prescribed by the Board of Revenue under section 23 of this Act to be the karnam, and shall submit a nomination roll, in such form as the Board of Revenue may from time to time prescribe in that behalf, to the Revenue officer in charge of the division of the district wherein such village is situated.

(2) Such Revenue officer shall thereupon issue a notice in writing to the inhabitants of the village concerned to show cause within a month why the person nominated by the proprietor shall not be appointed to the office of karnam. Provided that the person nominated as aforesaid shall discharge the duties of the office of karnam until a decision shall be passed in the manner hereinafter provided.

(3) After hearing the objections, if any, to the nomination made by the proprietor, and after holding such further inquiry as may be necessary for ascertaining, in accordance with the rules framed under section 23, the proper person to be appointed as karnam, such Revenue officer shall decide who is the proper person to be appointed as karnam, and shall submit a copy of his decision for the information of the Collector of the district.

changes or addition notified under section 7, shall be liable to a fine not exceeding Rs. 100 for every such offence, and to a further fine not exceeding Rs. 50 for every day during which the offence is continued after such fine; and such fines and any other sums, payable by the proprietor under this Act, shall be recoverable in the manner provided in Act II of 1864 of the Madras Code for the recovery of arrears of revenue.

10. Any karnam may tender his resignation in writing to the proprietor and, on the acceptance of his resignation, such karnam shall be deemed to have vacated his office. When the resignation is accepted the proprietor shall forthwith send a copy of it and his order thereon to the Revenue officer in charge of the division of the district, wherein the village is situated.

11. The Revenue officer in charge of the division of the district, wherein any village is situated, may, on complaint made by the proprietor or otherwise, and after due inquiry, by a decision in writing, fine, suspend or dismiss any karnam for incapacity, neglect of duty, or other just cause. For minor faults it will be competent to the proprietor to fine a karnam to the extent of Rs. 3, after inquiry and by a decision in writing. Such decision shall be subject to appeal to the Revenue officer aforesaid.

12. (1) If the office of karnam in any village becomes vacant, the proprietor shall at once appoint a person having such qualifications as may be from time to time prescribed by the Board of Revenue under section 23 of this Act to be the karnam, and shall submit an appointment roll, in such form as the Board of Revenue may from time to time prescribe in that behalf, to the Revenue officer in charge of the division of the district wherein such village is situated.

(2) Such Revenue officer, if he has reason to think that the appointment is objectionable, may at any time within three months from the date of the receipt by him of the appointment roll issue a notice in writing to the inhabitants of the village concerned to show cause within a month why the person appointed by the proprietor shall not be karnam. Provided that the person appointed as aforesaid shall discharge the duties of the office of karnam until a decision shall be passed in the manner hereinafter provided.

(3) After hearing the objections, if any, to the appointment made by the proprietor, and after holding such further inquiry as may be necessary for ascertaining, in accordance with the rules framed under section 23, the proper person to be karnam, such Revenue officer shall decide who is the proper person to be karnam, and shall submit a copy of his decision for the information of the Collector of the district.

(4) The person in whose favor a decision is passed as aforesaid shall, until such decision is reversed, be deemed to be the karnam.

(4) If within one month after the occurrence of a vacancy, the appointment roll referred to in sub-section (1) is not received by the Revenue officer, aforesaid, such officer may proceed to appoint a karnam himself.

(5) The person in whose favor a decision is passed under sub-section (3) or who has been appointed under sub-section (4) shall, until such decision or appointment is reversed, be the karnam.

Emoluments of Karnam.

14. (1) If the emoluments of the office of karnam consist, in whole or in part, of land, the Inam Commissioner may enfranchise the tenement in favor of the person, in possession of the land, by imposing a quit-rent equal to five-eighths of the assessment, which would be payable in respect of such land under the rules of the Revenue Settlement Department.

(2) If such emoluments consist, in whole or in part, of the assessment of land, the Inam Commissioner may in like manner enfranchise the tenement in favor of the person in possession of the land, the assessment of which constitutes the emoluments as aforesaid, by imposing a quit-rent equal to the amount of such assessment.

(3) Provided that if the person in possession of such lands is not the karnam, the Collector may impose the full assessment upon such lands.

15. The proprietor shall collect the assessment aforesaid and pay it to the Collector of the district in the same manner and at the same time as the revenue payable by him in respect of his estate. Provided that the proprietor shall be entitled to a deduction of 10 per cent. of such assessments by way of compensation for such collection and payment.

16. The proprietor shall have and exercise in the collection of such assessment all the powers and privileges of the Collector under Act II of 1864 of the Madras Code.

Emoluments of Karnam.

13. (1) If the emoluments of the office of karnam consist, in whole or in part, of land, the Inam Commissioner may enfranchise the tenement in favor of the person, in possession of the land, by imposing a quit-rent equal to five-eighths of the assessment, which would be payable in respect of such land under the rules of the Revenue Settlement Department. Provided that if the person in possession of such lands is not the karnam, the Inam Commissioner may impose a quit-rent equal to the full assessment upon such lands.

(2) If such emoluments consist, in whole or in part, of the assessment of land, the Inam Commissioner may in like manner enfranchise the tenement in favor of the person in possession of the land, the assessment of which constitutes the emoluments as aforesaid, by imposing a quit-rent equal to the amount of such assessment.

(3) Provided that the enfranchisement as aforesaid shall not apply to those emoluments which were not in existence at the time of permanent settlement.

14. The proprietor shall collect the quit-rent aforesaid and pay it to the Collector of the district in the same manner and at the same time as the revenue payable by him in respect of his estate. Provided that the proprietor shall be entitled to a deduction of 10 per cent. of such assessments by way of compensation for such collection and payment.

15. Every proprietor shall pay to the Collector or other officer empowered by him to receive it, as karnam cess, such amount as the Board may decide, not exceeding 9 pies in the rupee on the annual rent value of all occupied land in his estate on or before such dates and in such instalments as the Collector, under the general orders of the Board of Revenue, may by notification declare. Provided that in the case of land occupied by tenants, it shall be lawful for the proprietor to collect and recover from his tenant one-half of the amount payable in respect of the land so occupied.

16. Every proprietor shall, in collecting or recovering the portion which may be due to him, under the proviso to the last preceding section, or the quit-rent, referred to in section 13, be entitled to exercise the same powers as may, under any Act or Regulation which now is, or hereafter

may be, in force, be exercised by any proprietor in the collection and recovery of rent, and shall be liable to all the penalties prescribed therein for the abuse of such powers.

17. Every proprietor shall be entitled to a remission of one-half of the cess payable by him on so much of the whole annual rent value of his land as is equal to the amount of the revenue payable by him to Government in respect of such land. Provided that the amount recoverable by such proprietor from his tenants under the proviso to section 15 shall be calculated upon the whole amount which would have been payable to Government if no such remission had been allowed.

18. When any proprietor shall, on the date fixed by the Collector under section 15, have failed to pay, either in whole or in part, the cess due by him in respect of his estate, the said cess or such part of it as remains unpaid shall be recoverable in the same manner as if it were an arrear of revenue under Act II of 1864.

17. (1) The net proceeds of the assessment shall constitute a separate fund to be called the Karnam's Fund of the estate. Such fund shall be lodged in the District Treasury, and shall be under the control of the Collector of the district.

(2) The karnams employed in the estate shall be paid from the said fund the salaries to which they may be entitled to according to such scale as may from time to time be fixed by the Board of Revenue. If any surplus remains, the Collector shall divide it rateably amongst the Karnam's Funds of such estates in the district as show a deficit.

Duties of the Karnam.

18. (1) (i) The karnam shall keep complete registers of the extent of the lands in each village, specifying the boundaries and land-marks, and showing their appropriation, viz., arable, cultivated and uncultivated, pasture occupied for houses, gardens, rivers, tanks, springs or wells, waste in hills, jungle or rocks.

(ii) The said registers shall specify the extent and description of land in each village exempt from paying revenue to Government at the time when the permanent assessment was fixed, the purposes to which the exempted lands are appropriated, and the names of the holders of such lands.

(iii) The said registers shall further specify the lands in each village exempted by grants or sanads from paying revenue to Government, the purposes for which such lands were granted, the condition of the grant, and the names of the holders.

(iv) The karnam shall report to the Collector of the district and the proprietor the death of all holders of lands exempted from the payment of revenue to Government.

(v) The karnam shall be present at the estimation of the crop, at the beating out and at the measuring of the grain, and shall attest the muchilicas executed by raiyats in favor of the proprietor or his assigns.

19. (1) The net proceeds of the assessment on the imams enfranchised under section 13, of the cess levied under sections 15-17 together with any fines recovered under this Act shall constitute a fund to be called the Karnam's Fund. Such fund shall be lodged in the District Treasuries, and shall be under the control of the Collectors subject to the general orders of the Board of Revenue.

(2) The karnams employed in the estates shall be paid from the said fund the salaries to which they may be entitled to according to such scale as may from time to time be fixed by the Board of Revenue.

Duties of the Karnam.

20. (1) (i) The karnam shall keep complete registers of the extent of the lands in each village, specifying the boundaries and land-marks, and showing their appropriation, viz., arable, cultivated and uncultivated, pasture occupied for houses, gardens, rivers, tanks, springs or wells, waste in hills, jungle or rocks.

(ii) The said registers shall specify the extent and description of land in each village exempt from paying revenue to Government at the time when the permanent assessment was fixed, the purposes to which the exempted lands are appropriated, and the names of the holders of such lands.

(iii) The said registers shall further specify the lands in each village exempted by grants or sanads from paying revenue to Government, the purposes for which such lands were granted, the condition of the grant, and the names of the holders.

(iv) The karnam shall report to the Collector of the district and the proprietor the death of all holders of lands exempted from the payment of revenue to Government.

(v) The karnam shall be present at the estimation of the crop, at the beating out and at the measuring of the grain, and shall attest the muchilicas executed by raiyats in favor of the proprietor or his assigns and the pattas which are the counterparts of the muchilicas.

(vi) The karnam shall keep true accounts of the gross produce of all lands, whether paying revenue to Government or not, where the produce of such lands may be shared between the proprietor and the raiyat, and shall also enter in his registers the quantity of grain so divided, as well as the rates of division.

(vii) The karnam shall enter in his registers the rates and amount of all fees and méras appropriated to the officers and servants of the villages, specifying whether such fees and méras are payable from the gross produce of the entire lands, from the proprietor's share, or from the raiyat's share.

(viii) Where lands may be liable to pay money rents, the karnam shall keep registers of the extent of land cultivated and of the rates and amount of the money rents.

(ix) The karnam shall keep registers of the land cultivated in gardens and of the rates and amount of the division of the produce of such lands when the produce may be divided in kind.

(x) The karnam shall keep registers of the quit-rent and ready-money payments collected in each village.

(xi) The karnam shall keep monthly registers of the price of all kinds of grain.

(xii) The karnam shall keep registers of strangers passing or repassing as reported to him by the village watchers, and such registers shall at all times be open to the inspection of the officers of Police.

(xiii) The karnam shall keep the accounts exhibiting the actual revenue and charges of the village and the records of his office.

(xiv) The karnam shall keep and furnish such registers, accounts and other records as the Collector of the district, subject to the general orders of the Governor in Council and of the Board of Revenue, may from time to time prescribe.

(xv) The karnam shall prepare, whenever directed by the Collector of the district or by any person duly authorized by the Collector in that behalf, all writings which are necessary for the use of Government or other lawful authority.

(2) The registers, accounts, statements and other writings kept by the karnam shall at all reasonable times be open to the inspection of any servant of Government or of the proprietor, duly authorized in writing in that behalf, or any person owning or cultivating land in the village, and shall be produced by the karnam before the Collector of the district or any person authorized in that behalf by any law in force for the time being, or by the Collector of the district, at such times and places as the Collector of the District or such person may direct.

(3) The karnam shall be deemed to be a Karnam, a public servant within the meaning of the Indian Penal Code and also a subordinate of

(vi) The karnam shall keep true accounts of the gross produce of all lands, whether paying revenue to Government or not, where the produce of such lands may be shared between the proprietor and the raiyat, and shall also enter in his registers the quantity of grain so divided, as well as the rates of division.

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(xiii) The karnam shall keep the accounts exhibiting the actual revenue and charges of the village and the records of his office.

(xiv) The karnam shall act as clerk in civil and magisterial cases before the village munsif.

(xv) The karnam shall keep and furnish such registers, accounts and other records as the Collector of the district, subject to the general orders of the Governor in Council and of the Board of Revenue, may from time to time prescribe.

(xvi) The karnam shall prepare, whenever directed by the Collector of the district or by any person duly authorized by the Collector in that behalf, all writings which are necessary for the use of Government or other lawful authority.

(2) The registers, accounts, statements and other writings kept by the karnam shall at all reasonable times be open to the inspection of any servant of Government or of the proprietor, duly authorized in writing in that behalf, or any person owning or cultivating land in the village, and shall be produced by the karnam before the Collector of the district or the proprietor or any person authorized in that behalf by any law in force for the time being, or by the Collector of the district, at such times and places as the Collector of the district or such person may direct.

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ORDER—dated 17th February 1891, No. 118, Revenue.

Miscellaneous.

G.O., dated 16th April 1888, No. 270. The question of amending the law relating to this class of officers has been under consideration for the last 20 years. In its Proceedings, dated 27th October 1874, No. 2975, the Board of Revenue discussed fully the defects in the existing law in regard to karnams and other village servants in zemindaris and other proprietary estates and arriving at the conclusion that the law relating to karnams in these estates urgently required reform, submitted, with the Proceedings, a draft of a short Bill for amending Regulation XXIX of 1802 with the view of placing the karnams employed in proprietary estates under the control of Collectors, in like manner with karnams employed in tracts not permanently settled. The need for obtaining such control was also pressed on the attention of the Local Government by the Resolution of the Government of India, dated 10th August 1882, in which that Government, while reviewing certain portions of the report of the Famine Commission, which suggested methods for improving the manner of registering and utilising vital statistics throughout British India, invited this Government to consider whether legal obligations could not be imposed on village officers in zemindari tracts, the returns from which had been reported to be of a very unsatisfactory character.

2. The draft Bill submitted by the Board was referred to the Legislative Department which revised the Bill and somewhat enlarged its scope by providing—

- (1) for the appointment of karnams in villages in which there are no such officers at present;
- (2) for the sub-division of any village which is too large to be managed by a single karnam into two or more villages; and
- (3) for the constitution of a fund, by enfranchising the inam lands attached to karnam's service, for the remuneration of the additional karnams whom it might be found necessary to appoint under the two previous provisions.

The Bill as thus amended was introduced into the Legislative Council by the Honorable D. F. Carmichael on the 1st October 1883, and referred to a Select Committee which suggested a few amendments among which was the addition of a provision to enable the Government to assess fully all inam lands which, though originally bestowed as an emolument of the office of karnam, have passed into the enjoyment of persons not doing the work of the office. The question, however, arose, whether even with this provision the karnam fund would be found sufficient, and on a reference from Government, the Board reported in 1885 that the fund thus constituted would be inadequate to meet the demands on it and suggested the imposition of a cess to supplement it. The Government, thereupon, abandoned Mr. Carmichael's Bill and called upon the Board to submit a revised Bill containing provision for the levy of the cess suggested (G.O., dated 16th April 1888, No. 270). The Board was also asked to consider the question of extending the Village Service Cess Act to zemindaris in view of bringing under Government control and supervision the other village establishments maintained in such estates, especially the kavalgars employed largely in the zemindari and devastanam villages in the Tinnevely district, about whose conduct there were frequent complaints (G.O., dated 3rd July 1888, No. 3850, Mis.).

3. The Board now submits a revised Bill dealing with zemindari karnams only, leaving the question of dealing with other village servants for future consideration, and in doing so observes that the necessity for legislation in the case of other village servants is not so urgent as it is in the case of karnams, that most of the Collectors who reported on the question in 1874 thought that the introduction of the Village Cess Act into zemindaris was not only unnecessary as there were no complaints against the other village officers but also that there would be several practical difficulties in carrying out the measure and that the zemindari tracts being for the most part unsurveyed, it would be practically impossible to introduce the Cess Act into them. The Board has, however, called upon Collectors to report upon this question of extending the Village Cess Act to zemindaris in view to addressing Government separately on the subject.

4. The Government, while agreeing with the Board in considering that the defects in the law as regards the zemindari karnams require immediate remedy, does not share its opinion that it is neither practicable nor necessary to introduce into zemindaris a Village Cess Act. Many of the village officers in zemindaris have important police duties to perform and if Government is to look to them for efficient performance of these duties, it is essential not only that they should be remunerated properly, but also that their remuneration should be under the control of Government, and this can be secured only by introducing a Village Service Cess Act into zemindaris. If it is an objection to introducing a general village service cess, that zemindaris are mostly unsurveyed, it is equally an objection to introducing a karnam cess. But as it is proposed to charge the village service cess in the same manner in which the "land cess" is now charged, there need be no greater difficulty in working the former than there is in working the latter cess. There is, of course, the additional difficulty of dealing with the existing emoluments. But as this difficulty, whatever it is, must be met even if the proposed legislation is to be limited to karnams, the Government considers it desirable that the opportunity of the proposed legislation should be taken to give it such scope as will admit of its being applied to all such village servants as the Government may from time to time deem it expedient to bring under due control although it is intended to restrict its application to karnams in the first instance. It was such control and not suppression that Government desired in the case of the kavalgars of the Tinnevely district; and those whom the Government wished to bring under control are not the kudi-kavalgars employed by the ryots, but the kavalgars who are recognised village servants and who as such are as much State servants as the talayaris employed in Government villages.

5. The Bill submitted by the Board will accordingly be modified so as to make it

1. Karnams.
2. Munsifs.
3. Monogars.
4. Minor Revenue officers such as vetties, toties and tandalgars.
5. Minor Police officers such as talayaris, kavalgars.
6. Nirgantis.

applicable to the marginally-noted village servants in zemindaris and other proprietary estates, the Government taking the power to extend the Act to such classes of village servants as it may from time to time deem expedient.

6. As regards the appointment, punishment and dismissal of these officers, the Government has, after careful consideration,

arrived at the conclusion that it will be best on the whole to vest the necessary powers in the Revenue officers in charge of divisions of districts, their decisions being subject to appeal to the Collector and the Board of Revenue as is the case in regard to similar officers in Government villages. It is of great importance to the administration that the principal village servants, whether in permanently settled estates or ryotwari villages, should be brought under the same regulations as regards educational and other qualifications, and this can be secured only if the power of appointment of all such servants is in the hands of the same officers of Government. Any loss to the proprietor of patronage in the matter of these appointments will, the Government feels assured, be more than counterbalanced by the efficiency of the village establishment which this measure will ensure.

7. The scope of the Bill being thus enlarged, the fund to be constituted under it will be called the Proprietary Estates Village Service Fund and will consist of the proceeds of enfranchisement of the inams attached to such village offices as will from time to time be brought within the scope of the enactment, of a cess which will be levied in lieu of all other emoluments received by such village officers and of any fines recovered under the Act.

8. The inams to be enfranchised will, as recommended by the Board, be only those which were in existence at the time of the permanent settlement. These will be dealt with under the inam rules now in force or under such as may hereafter be framed for the purpose by Government, while all inams granted subsequent to the permanent settlement either by the proprietors or by village communities will be allowed to be resumed by their respective grantors.

9. The village cess will be levied and apportioned between the proprietor and his tenants in the same manner as the land cess is now levied and apportioned. The rate, however, cannot be fixed as it must depend on the classes of village servants to whom it may be deemed desirable to extend the proposed Act. Provision will therefore be made in the Bill empowering the Governor in Council to determine the rate from time to time. The rate will be uniform in all estates in which it is levied, subject to a maximum which will be determined on as soon as the necessary information on the subject is obtained. The rate will not exceed one anna in the rupee.

10. The information which the Board has called for in paragraphs 4 and 21 of its Proceedings is not sufficiently definite. Collectors should be called upon to report at once for each estate—

(1) the existing number of village servants of the several classes noted in the margin of paragraph 5 above;

(2) their existing remuneration, the sources from which it is derived and where any portion of the remuneration is contributed jointly by the proprietor and his tenants, the proportion in which the charge is borne by them respectively;

(3) the number of village servants of each class which it is desirable to maintain and the present and prospective cost of such establishments;

(4) the amount which would be available by enfranchising the inams attached to the several services which were in existence at the time of the permanent settlement;

(5) the annual rent value of the estate determined in accordance with the provisions of the Madras Local Boards' Act IV of 1884 as amended by Madras Act III of 1890.

11. On the question of the utilization of the fund raised under the proposed Act, the Government fully concurs in the Board's remarks in paragraph 18 of its Proceedings. The fund being made up of the proceeds of enfranchisement of only those inams which were in existence at the time of the permanent settlement (and therefore excluded from the assets on which the permanent assessment was fixed) and of a money cess which will be levied in lieu of all other payments at a uniform rate in all estates, there can be no objection to its being regarded as a general fund available for expenditure, according to requirements, in all those estates which have contributed to it. A similar provision has been inserted in the Bill to amend Madras Act IV of 1864.

12. The Board, it is observed, has omitted to insert a provision in the Bill that when the cess is imposed in respect of any class of village service, all fees or other dues payable on account of such service will cease. The necessary provision will be made in the draft Bill. Provision will also be made for the calculation of the annual rent value of estates for the purpose of fixing the amount of the cess payable under the Act.

13. The Government considers that the duties of village officers need not be specified in the Act, but may be left to be defined by the Board of Revenue.

14. In addition to the modifications above referred to, the draft Bill submitted by the Board requires some slight verbal alterations here and there. With these modifications and with a draft statement of objects and reasons, the Bill will be transferred to the Legislative Department in view to steps being taken to introduce it into the Legislative Council at an early date.

(True Extract.)

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

To the Commissioners of Land Revenue, } with Bill and statement of objects and reasons,
the Legislative Department,

Exd. G. A. Lewis.

50 Copies.

No. 6 of 1883.

A

BILL

TO

Amend the law in regard to karnams and other village officers in estates permanently settled, &c.

WHEREAS it is expedient to amend the

Preamble. law relating to

karnams and other village officers in permanently-settled estates, in unsettled palaiyams, and in whole inam villages, and to make better provision for the speedy disposal of claims to such offices, for the prevention and summary punishment of irregularities on the part of such officers and generally for securing their efficiency and uprightness; It is hereby enacted as follows:—

1. This Act may be called the Madras Proprietary Village Service Act, 189

2. It shall extend to such estates within the Presidency of Fort St. George, and shall apply to such classes of village officers therein, as the Governor in Council may, from time to time by notification direct;

And it shall come into force in each of such estates and in regard to each of such classes of village officers, on such date as the Governor in Council, in like manner, may direct in that behalf.

The village officers to whom this Act may be declared applicable shall be those belonging to the following six classes, by whatever designation they may be known, namely:—

- (1) Karnams.
- (2) Munsifs.
- (3) Monigars.
- (4) Minor revenue officers, such as vettis, toties and tandalgars.
- (5) Minor police officers, such as taliares and kavalgars.
- (6) Nirgantics.

3. Regulation XXIX of 1802 (*a Regulation for establishing the office of karnam and defining the duties of the said office*) and section 11 of Regulation XXV of 1802 are hereby repealed.

In this Act, unless there is something repugnant in the subject or context, "estate" means and includes—

(a) Any estate permanently settled under Regulation XXV of 1802;

(b) any portion of such permanently-settled estate which has been separately registered in the office of the Collector;

(c) any unsettled palaiyam; and

(d) any inam village.

"Proprietor" includes any person in whose name any such estate is for the time being entered in the registers kept by the Collector of the district, wherein the estate is situated.

"Village" includes any estate or part of an estate entered as such in the said registers.

"Village officer" includes any person for the time being discharging the duties of such officer in any village.

5. Every proprietor shall within ninety days after this Act comes into force prepare a register of karnams and other village officers employed in his estate, in the form A hereunto annexed, and shall forthwith submit the same to the Collector of the district, and shall keep a copy thereof.

6. (1) Whenever it appears to the Collector of the district that, as a matter of administrative convenience, it is desirable that any part of an estate should be registered as a separate village, or several small villages should be clubbed together, he may, by notice in writing, require the proprietor of such estate to show cause, within sixty days after service of such notice, why such part should not be so registered or such villages so clubbed together.

(2) If the proprietor fails to show cause to the satisfaction of the Collector within such time, the Collector shall, with the approval of the Board of Revenue, and under the guidance of such rules as may be laid down by it in this behalf, declare by notification in the District Gazette such part of the estate or such several villages to be a village, define its limits and enter it as a village in the A-form register of the estate kept in his

office and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor.

(3) The cost of all proceedings as aforesaid shall be paid from the Proprietary Estates Village Service fund, which will be constituted as hereinafter stated.

7. Any proprietor who omits to furnish the register or to keep a copy thereof, as provided by section 5, or to have entered therein the changes or additions notified under section 6, shall be liable to a fine not exceeding Rs. 100 for every such offence, and to a further fine not exceeding Rs. 50 for every day during which the offence is continued after such fine; and such fines and any other sums, payable by the proprietor under this Act, shall

be recoverable in the manner provided in Act II of 1864 of the Madras Code for the recovery of arrears of revenue.

8. The appointment, punishment and dismissal of village officers shall vest in the Revenue officer in charge of the division of the district in which the village is situated, anything in the sannad-i-milkeat-istimrar to the contrary notwithstanding.

9. Proprietors or their under-farmers or tenants who may have cause of complaint against a village officer may institute a suit before the Revenue officer aforesaid for the purpose of bringing such officer to trial and punishment.

10. If the remuneration of a village officer to whom this Act is declared applicable consists in whole or in part of emoluments from lands, the Inam Commissioner may enfranchise them from the condition of service under the rules for the time being in force in respect of similar emoluments in villages not permanently settled or under such rules as the Governor in Council may lay down in this behalf.

Provided that the enfranchisement as aforesaid shall apply to all the emoluments which were in existence at the time of permanent settlement even though they may not continue as such at the time this Act comes into force; and provided, further, that such emoluments as may be

proved to have been granted subsequent to the permanent settlement will be left to be dealt with by the grantors in any manner they think fit.

11. If the Governor in Council so directs the proprietor shall collect the quit-rent or assessment imposed by the Inam Commissioner under the last preceding section and pay it to the Collector of the district in the same manner and at the same time as the revenue payable by him in respect of his estate. Provided that if the proprietor is required to collect as aforesaid, he shall be entitled to a deduction of 10 per cent. of the amount collected by him by way of compensation for such collection and payment.

12. It shall be lawful for the Governor in Council to levy in each estate to which this Act may be extended a money cess to be called the Proprietary Estates' Village Service cess.

The rate of cess shall, from time to time, be determined by the Local Government; but it shall not in any case exceed the rate of one anna in the rupee on the annual rent value of all occupied lands comprised within the limits of the estate.

13. The annual rent value aforesaid shall be calculated in the following manner:—

(i) In the case of lands paying full rent, the annual rent payable to the proprietor by his tenants together with any water-rate which may be payable for their irrigation shall be taken to be the annual rent value of the lands held by such tenants. Where the lands are occupied by the proprietor himself or by any person holding the same from him free of rent, or at a favorable rent, the annual rent value shall be taken to be the rent ordinarily payable to the proprietor for lands of similar quality leased out by him in the neighbourhood, together with any water-rate which may be payable for the irrigation of the lands so occupied by the owner himself or by any person holding the same from him as aforesaid.

(ii) Where rent is paid in kind the annual rent value shall be calculated according to the rates of rent established or paid for neighbouring lands of a similar description and quality; to which shall be added the water-rate payable for the irrigation of the lands of which the rent is paid in kind.

Where rent is paid in kind.
Provided that where any proprietor has been permitted by the Collector under the provisions of clause IV, section 11, Madras Act VIII of 1865, to increase his rent in consequence of any payment by way of water-rate made by him to Government, the annual rent value shall be the balance remaining after deducting such increase of rent up to the amount of water-rate from the sum ascertained as aforesaid.

(iii) In the case of lands for which assessment is payable direct to Government, the amount of such assessment together with any water-rate which may be payable for their irrigation shall be taken to be the annual rent value of such lands.

(iv) In the case of inam lands and lands held wholly or partially free of assessment the full assessment which such lands would bear if they were not inam together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent value, and such full assessment and water-rate shall be determined by the Collector of the district under the general orders of the Board of Revenue.

14. The rent value as aforesaid of a proprietor's estate shall be determined in accordance with the provisions of sections 65—71 of the Madras Local Boards Act V of 1884 as amended by Madras Act III of 1890.

15. Every proprietor shall pay to the Collector or other officer empowered by him to receive it the cess due in respect of the annual rent value of lands held by him as aforesaid, exclusive of the amount of such cess, if any, payable by his tenants as hereinafter provided, on or before such dates and in such instalments as the Collector, under the general orders of the Board of Revenue, may by notification declare; and if such lands are occupied by tenants paying water-rate direct to Government, such tenants shall pay to the Collector together with the water-rate the cess due on the amount of such water-rate. Provided that in the case of lands occupied by tenants, it shall be lawful for the proprietor to collect and recover from his tenants one-half of the amount payable by him in respect of the lands so occupied.

16. (i) Where land comprised within the limits of an estate falls under clauses (iii) and (iv) of section 13, the holder of such land shall pay to the Collector together with the assessment or water-rate the cess due on the annual rent value of such land; and such cess shall be recoverable as arrears of land revenue.

(ii) Where the assessment or water-rate due by such land-holder is collected by the proprietor of the estate such proprietor shall, if so directed by the Governor in Council, collect also the cess due as aforesaid by such land-holder and pay it to the Collector of the district in the same manner as the said assessment or water-rate is paid. Provided that the proprietor shall in that case be entitled to a deduction of 10 per cent. of such cess by way of compensation for such collection and payment.

17. Every proprietor shall, in collecting or recovering the portion which may be due to him under the proviso to section 15 or the quit-rent or assessment referred to in section 11 be entitled to exercise the same powers as may, under any Act or Regulation which now is, or hereafter may be, in force, be exercised by any proprietor in the collection and recovery of rent, and shall be liable to all the penalties prescribed therein for the abuse of such powers.

18. Every proprietor shall be entitled to a remission of one-half of the cess payable by him on so much of the whole annual rent value of his land as is equal to the amount of the permanently-settled revenue payable by him to Government in respect of such land. Provided that the amount recoverable by such proprietor from his tenants under the proviso to section 15 shall be calculated upon the whole amount which would have been payable by him to Government if no such remission had been allowed.

19. When any proprietor shall, on the date fixed by the Collector under section 15, have failed to pay either in whole or in part, the cess due by him as aforesaid, or a tenant shall have failed to pay either in whole or in part the cess due by him on the water-rate payable direct by him to Government in respect of lands occupied by him, the said cess or such part of it as remains unpaid shall be recoverable in the same manner as if it were an arrear of revenue under Act II of 1864.

20. If in any estate to which this Act has been extended the cost of village establishments is provided for by a ready money deduction from the peishcush made at the time of permanent settlement, it shall be lawful for the Governor in Council to resume such portion of the deduction as represents the remuneration of such village officers as may have been brought within the scope of this Act.

Such resumed deduction shall thereupon be added to the permanent assessment payable by the proprietor of the estate concerned.

21. (1) The net proceeds of the inams enfranchised under section 10 minus jodi, if any, payable to Government, of the cess levied under sections 15-18, of the ready money deduction resumed under the last preceding section together with any fines recovered under this Act, shall constitute a fund to be called the Proprietary Estates' Village Service fund. Such fund shall be lodged in the District Treasuries, and shall be under the control of the Collectors subject to the general orders of the Board of Revenue.

Proprietary Estates' Village Service fund.

Resumption of ready money deductions allowed on account of village establishments.

Arrears of cess how to be recovered.

Remission of one-half of cess on proprietor's lands.

(2) In the estates to which this Act may have been extended, the village officers to whom this Act has been declared applicable shall be paid, from the said fund, the salaries to which they may be entitled according to such scale as may, from time to time, be fixed by the Board of Revenue.

22. It shall be unlawful for any village officer remunerated as aforesaid, on any pretext, to demand, collect or receive in any estate to which

No fee, &c., to be levied or demanded in respect of village officers brought within the scope of this Act.
this Act has been extended any fee, contribution, or allowance as being customarily due and payable on account of the remuneration of such village officer, except as expressly provided and authorised by this Act. All such fees, contributions, and allowances by whatever denomination they may be called shall absolutely cease and determine from the date from which the said village officer's salary is declared to be payable from the fund aforesaid, any provision or declaration in Regulation VI of 1831 of the Madras Code to the contrary notwithstanding.

In cases in which such illegal demand, collection or receipt as aforesaid does not amount to the offences of cheating or extortion as defined in the Indian Penal Code, the offender shall, on conviction before a Magistrate, be punishable with fine not exceeding one hundred rupees recoverable by distraint and commutable, if not paid, to imprisonment of either description for a period not exceeding four months.

Procedure in inquiries.

23. (1) In any inquiry under this Act regarding the conduct of village officers or claims to village offices or to the emoluments annexed thereto, held by a Revenue officer, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English embracing the material averments made by the parties interested, the material parts of the evidence and his decision with the reasons for the same.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code and the office of any authority holding such inquiry shall be deemed to be a Civil Court for the purposes of such inquiry.

(3) Every hearing and decision shall be in public and the parties or their authorised agents shall have due notice to attend.

(4) Every Revenue officer holding inquiries under this Act shall keep such registers as the Board of Revenue may, from time to time, prescribe in that behalf.

Appeals.

24. (1) Any person aggrieved by any decision passed by a Revenue officer in charge of the division, under section 23, may appeal to the Collector of the district against such decision within thirty days after the date of the passing thereof, excluding the time requisite for obtaining a copy of such decision.

(2) The appeal shall set forth concisely the grounds of objection to the decision appealed against and shall be presented with a copy of such decision.

(3) The Collector shall give notice to the opposite party of the day when the appeal will be heard and shall, after the service of such notice, hear the same and pass his decision in the manner provided in the last preceding section.

Second appeals.

25. Any person aggrieved by any decision passed by the Collector of the district under section 23 may, within sixty days after such decision, excluding the time requisite for obtaining a copy of such decision, appeal to the Board of Revenue by way of second appeal.

Revision.

26. The decision passed—

- (i) by the Revenue officer in charge of the division of the district, where no appeal is preferred as aforesaid;
- (ii) by the Collector of the district on appeal where no second appeal is preferred as aforesaid; or
- (iii) by the Board of Revenue on second appeal

shall be final and shall not be impeached in any court.

Provided that it shall be competent to the Governor in Council to revise any such decision and to pass such orders as he may deem fit whenever he thinks it necessary in the interests of justice.

(i) The dividing and grouping of villages.

(ii) The re-organization of the village establishments.

(iii) The qualifications of persons to be appointed as village officers.

(iv) The scale of salaries or other emoluments to be assigned to such officers.

(v) The duties of the several village officers.

(vi) Any other matters calculated to secure the efficiency of village officers.

(2) Such rules shall, until they are modified or cancelled, have the force of law.

28. No Court of Civil Jurisdiction shall have authority to take into consideration or decide any claim to the enjoyment of any portion of the fund constituted under this Act or any question regarding liability to the quit-rent, assessment or cess imposed under this Act or regarding the rates thereof.

Form A (Section 5).

Register of karnams and other village officers employed in the estate of . . . in the taluk of . . .
in the district of . . .

[illegible]

STATEMENT OF OBJECTS AND REASONS.

Regulation XXIX of 1802, which in the accompanying Bill it is proposed to repeal, lays down the law relating to karnams or village accountants in permanently-settled estates in the Madras Presidency. The experience of a period of nearly 90 years which have elapsed since the promulgation of this enactment has uniformly pointed to the necessity for amending it in many essential respects. Under the Regulation, the karnam or accountant, who is the most important of the village officers is placed entirely under the control of the Civil Courts. He cannot be punished for any neglect or breach of duty towards the zemindar and his tenantry, except, as defendants in a civil suit, by the judgment of the Court; and as this remedy is cumbrous and expensive, it is seldom, if ever, resorted to: the consequence has been that a sense of discipline has altogether ceased to exist among them. As regards the Collector their position is still more independent. It is only in two cases that he can ask them for information; in any other case he is liable to be restrained from making a requisition by an injunction, and even fined if he should persist. In a case which went before the High Court in 1882, that authority ruled that zemindari karnams are not bound to obey a Tahsil-dar's summons directing them to attend his cutcherry for the preparation of Census accounts. They enjoy the same freedom in regard to the submission of vital and agricultural statistics, the importance of which cannot be over-estimated.

2. The question, therefore, arises what measures should be adopted to remedy these evils. One course would be to vest the necessary control over these officials in the zemindars; but such a course is obviously undesirable as the relations of the zemindars and their tenants are often antagonistic to each other. The only other course which is practicable and in every way convenient is to transfer the control to the Revenue officers of the district. This course was recommended as far back as 1815 by Sir Thomas Munro, then on the special commission whose reports remodelled the administration of this Presidency. For whatever reason the transfer was not effected then, there is no reason why it should not be effected now. The Collectors, it may be taken for granted, will decide cases brought against village servants quite as impartially as the Civil Courts, and will certainly dispose of them more expeditiously and with greater convenience to parties and witnesses. This course, moreover, has the approval of a large majority of those who have been consulted on the subject, including some of the principal and most intelligent of the zemindars. It has therefore been adopted in the preparation of this Bill. The Bill proposes also to transfer the power of appointment of these village officers from the zemindars to the Revenue officers. It is of great importance to the administration that the principal village servants whether in permanently-settled estates or ryotwari villages should be brought under the same regulations as regards educational and other qualifications, and this can be secured only if the power of appointment of all such servants is in the hands of the same officers of Government. Any loss to the proprietors of patronage in the matter of these appointments will be more than counterbalanced by the efficiency of the village establishments which this measure will ensure. Accordingly, the appointment, punishment and dismissal of karnams have been vested in the Revenue officer in charge of divisions of districts, their decision being subject to appeal to the Collector and the Board of Revenue in the same manner as is the case with their decisions affecting similar officers in Government villages.

3. While providing as above for the transfer to Revenue officers of the control over karnams, it has been thought desirable that the opportunity of the proposed legislation should be taken to introduce a few more cognate reforms in the village administration of proprietary estates.

4. One such measure of reform is to have a fairly uniform standard for a village which constitutes the territorial unit for purposes of Revenue administration. Power has therefore been taken in the Bill for sub-dividing large villages and clubbing together small ones.

5. Another measure of reform calculated on the one hand to secure to village officers independence of the proprietor and his tenants and on the other to render control over the former by Revenue officers more efficient is to substitute the system of payment by fixed salaries for the present system under which their remuneration is made up partly of emoluments from lands ("Inams") and partly of fees or meras paid by the proprietors and their tenants. It is accordingly proposed to introduce into proprietary estates the salary system which has been introduced with advantage into Government villages in all settled districts; and in view of this to form a "fund" which will be constituted as described below.

3/11/02
18-5-02
5-11-27-11

Original

**Govt. of {1891} India
REVENUE.**

Issued

Recd.

E

G.O., 17th February, 1891, No. 1

FEBRUARY.

Zemindari Karnams' Bill

Draft — submitted by the Board of Revenue slightly modified, and transferred to the Legislative Department in view to steps being taken to introduce it into the Legislative Council at an early date.

REVENUE DEPARTMENT.

No. C no 174

165

From

Dated

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OR ORDERS.

The question of amending the law relating to Zemindari Karnams has been under the consideration of Government for several years past. In Board's Proceedings, dated 27 October 1874 no. 2975, the necessity for legislation and the main points arising in connection with it were fully discussed, and the Board submitted a draft of a short bill amending Regulation 2909 in view to placing Zemindari Karnams under the control of Collectors in like manner with zamans in districts not

permanently settled. In 18
a revised bill condensing
the entire law relating
to Zamindari Kharano was
prepared in ^{the} Legislative
Department and introduced
into the Legislative Council
by the Hon. Mr. Carmichael.
This bill provided among
other things (1) for the control
and supervision of Zamindari
Kharano; (2) for the appointment
of Kharano in villages in
which there are no such officers
at present, and for dividing
Kharano which are too large
to be managed by a single
man into several Kharano
Kharano; and (3) for the consti-
tution of a Kharano fund
for the enfranchisement of
Kharano service Kharano, on
the same terms as have adopted
in the case of Kharano in the

127 107 108
to acts, in view to ^{providing} ~~remuneration~~
to the additional Kharano
it may be found necessary
to appoint. The Board has
reported in 1884 that the
Kharano fund then consti-
tuted would be found to be
altogether inadequate to meet
the demands on it, and
suggested the imposition
of a cess to supplement it.
The Government in the Legis-
lative Dept. abandoned
Mr. Carmichael's bill and
called on the Revenue Dept.
to submit a revised bill con-
taining provision for the levy
of the cess suggested. The
Government in the Judicial
Dept. at the same time referred
for consideration in connection
with the Zamindari Kharano
bill the question of establishing

village cess act
 1. Zemindaris in view to
 bringing Kavalgars in
 Zemindari & Devasthanam
 in the Tinnivelly D.T.
 villages under Govt. control
 and supervision. These papers
 together with the opinions on
 Mr. Carmichael's bill received
 from Zemindars and other
 persons likely to be affected
 by the proposed legislation
 were communicated to the
 Board who were requested
 to submit a draft bill on
 the lines indicated and
 to report their opinion on
 the question of extending the
 village cess act to Zemindaris.

The Proceedings read at the
 head of this note contains
 the Board's reply to this
 requisition.

2. The Board submit
 a revised bill dealing with
 Zemindars

FOR ORDERS.

Zemindari Karams only,
 leaving the other village servants
 to be dealt with by subsequent
 legislation. They point out
 that the necessity for
 legislation in the case of
 other village servants is
 not so urgent as in the case
 of Karams, that most of
 the Collectors who reported
 on the question in 1874 were
 opposed to the introduction
 of the village Cess Act in
 Zemindaris and the entire
 reorganization of the village
 establishments, and that the
 Zemindari tracts being for
 the most part unenclosed,
 it would be practically
 impossible to carry out
 these measures. They further
 state that the Kadi Kaval
 system in
 Tinnivelly referred to in

the Government order of
21st May 1888 is not an
unmixed evil, that as a
detective agency it serves
a useful function which
in the present state of the
country it would be im-
expedient to forego and
that its suppression must
be very gradual. The
Board, however, have
at the same time
called for reports from
collectors on the question and
propose to address the Govt.
again.

3. The first question that
has to be considered in
connection with these papers
is, should not all village
servants in Zemindaris be
dealt with in one bill? As
the law at present stands
village servants in Zemindaris
receiving the Karamas are
servants

vide S 7 & 8 of Reg. vi of 18

Para 6 of the Dy. Commr.
letter at page 14 of the file
of reports stitched with
the Progs. of Govt.
5th March 1879, no. 549.

under the control of the Govt.
but this control is no more
than nominal in many of
the larger Zemindaris. It
was reported in 1871 as
regards the Venetragini
Zemindari, for instance, that
no maneris were attached
to the office of village maneris
and that it was difficult
to get persons to accept
the office. The same appears
to be more or less the case
also with village watchmen.
These servants have important
Police duties to perform
and if Govt. is to look to
them for the proper perform-
-ance of their duties, it
ought to be able to ensure
to them the remuneration
they are entitled to; and
this can be done only
by

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of introducing the Village
service cess act. The govt.
can ^{instead} ~~apply~~ Act III of 1864
to Zemindaris ^{as} ~~and~~ from
the report of select Committee
on the bill which subsequently
became act III of 1864, it
appears that a section which
had been inserted making
the law inapplicable to
Zemindaris was advisedly
struck out in order to enable
Government to apply it
to Zemindaris should
necessity arise for doing so.
Curiously enough, however,
the act prescribes no rules
for the assessment of ^{the} cess
in Zemindaris and it is
therefore clear that the
introduction of the act
must be accompanied by
some fresh legislation
for this purpose
if legislation is ~~attempted~~
undertaken.

Page 316 of Mr. Pelly's
Volume of Correspondence
connected with village
establishments.

11 9
it seems in the highest degree
desirable that it should
embrace all village servants
in Zemindaris and not deal
with the subject piecemeal.
The objection stated by
the Board in para 3, viz.
that in the absence of a
regular survey & settlement
it would not be practical
to introduce the Cess act
in Zemindaris does not
apply to the ^{proposed} ~~question of~~
legislation. The Board
themselves recommend the
introduction of the cess, as
far as Kharanis are
concerned, ^{& if access} ~~and this being~~
can be worked in regard to
it, there seems to be no real
why the same ^{it} ~~cess~~ ^{does} ~~should~~
not be adopted as regards
such of the other village servants

as the State is interested in maintaining ~~seeing~~ should be maintained in a state of efficiency.

It is submitted, therefore, that the Board who by ~~must~~ this time have received the reports called for from ~~should be asked~~ Collectors, to go into the whole question and submit a bill dealing with all the village servants. There is no par-

ticular urgency about legislation as regards Zemindari Karmams; it has been under consideration for several years & it can wait for a little time longer until taken up at the same time as the Tenancy bill question.

In para 6 of their Progs, the Board write as if in G.O. dated 21 May 1938, no. 1162 Judicial, Govt. intended that the Kudikaval system should be suppressed at once. The Government

distinctly

it has been under consideration for several years & it can wait for a little time longer until

I think there is great urgency - all this greater because it has been under consideration so long

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distinctly said that nothing could be done as regards the employment by ryots of Kudikavalgars; and as regards Taluqis or Kavalgars who are State Servants in Zemindaris as in ryotwar villages,

they considered it desirable ~~they could not be brought~~ ~~to they should be brought~~ under ~~proper~~ control. ~~by~~ they thought that this could not be done without bringing into force the village cess act in Zemindaris.

5. If the Board proposed that legislation should just now be undertaken in regard to Zemindari Karmams alone he accepted the following points require consideration (i) Whether Zemindaris should have any control over Karmams and any powers regarding

the

entirely

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the appointment of men to
the office

(ii) what should be the
rate of cess to be imposed for
the purpose of ^{providing remuneration} remunerating
Hannams and how should
it be assessed and apportioned
as between the Zemindar
and his ryots.

(iii) How should the lands
attached to the office
of Hannam and granted
prior and subsequent to the
permanent settlement ^{be} should
respectively be dealt with.

(iv) Whether the proceeds
of the cess collected within
each village should be
allowed to be expended
outside such village or
group of villages and even
outside the Zemindari or
estate in which it is situated.

Vide the Hon. Mr. Carmichael's
minute stitched with the original
of G.O. of March 1879, no. 549.

5th?

* Vide Mr. Vans Agnew's letter of
page 21 of the file of reports
stitched with G.O. dated 5 March
1877, no. 549. +

13
6. As regards (i) the decision
arrived at in 1879 by Government
was that Hannams as well as
other village servants should be
entirely under the control of Collectors
and it is presumed that this
decision will be adhered to.
Under present law Hannams
are independent both of the
Collector and of the Zemindar.
Hannams cannot be removed
from office or otherwise punished
except by a decree of a civil
Court. Collectors ^{are prohibited by} cannot demand
^{demanding} from Hannams on pain of fine,
Sec. 14. Reg. 29 of 1802 ^
accounts other than those specified
in Reg. 29 of 1802. In the big
Zemindaris, however, Hannams
are practically the servants of
Zemindars as they receive their
remuneration more or less from
them. If the control & payment
of these village servants are
entirely

entirely needed in Collectors their
 subjection to Zemindars will
 undoubtedly cease; and therefore
 it is for this reason
 many of the Zemindars who
 expressed their opinions on the
 original bill ~~objected~~ objected
 to the measure. If it were a
 mere question of obtaining
 vital statistics ^{for purposes of general administration} the duty of
 furnishing them might be
 imposed on Zemindars and the
 Karmams placed entirely under
 their control. But even at the
 time of passing of Reg: 29 of
 1802, when hereditary jurisdiction had hardly been abolished
 the preservation of the rights
 and property of the people"
 and "the facilitating of the
 decision of ^{suits} in the courts
 of Judicature" ^{was considered} as the most
 important object in the maintenance
 of the office of Karmam. ^{But} through propriety ~~power~~
 were given power to ~~nominate~~
 persons to the office in such
 attendance with hereditary
 claims. They were given
 no power of ~~interference~~
 the present time ^{and especially}
 Zemindars ^{occupy the position} are ~~merely~~ landlords
 and ~~have no civil or criminal powers~~

vide preamble of
 Regulation the

The necessity will become even
 greater when the Resit bill
 proposed with a view to
 secure the rights of the ~~rights~~
 becomes law.

e.g. Chinghapur Mithadars
 vide list of Zemindars
 pp 18-21

~~consideration becomes law~~ it is
 to insure the protection of the rights of
 absolutely necessary that Karmams
 should be regarded as Govt.
 servants pure and simple.
 On this point of view the adoption
 of the suggestion made in
 para 12 of the Board's Progs.
 to authorize Zemindars to fine
 Karmams to the amount of Rs 3
 seems inadvisable. If the Zemindars
 have complaints against the
 Karmams they should represent
 them to ^{the} revenue officers. Where
 the Zemindar is a great dignitary
 as the Maharaja of Vizianagaram
 or the Raja of Benaratgar,
 his officers may be allowed
 to bring the complaints to the
 notice of Govt. officers. However
 Some of the Zemindars and
 Mithadars are very petty
 and they
 landholders who can hardly
 be

he ^{granted} ~~has~~ the powers of
finally Karnam.

The question whether
the appointment of Karnamships
~~is~~ ^{is} needed in the proprietors
should be withdrawn
~~is~~ ^{is} a

difficult one to settle. As the Board
point out in para 27 the arguments
of permanent settlement rest
the power of appointment in
As ~~the~~ ^{the} proprietors. Even in ryotwar
villages it is found to be a matter
of great difficulty for revenue
officers to decide to what extent
considerations of fitness for
office should ^{override} ~~be~~ ^{hereditary}
claims, ~~and on the other~~
~~it~~ ^{will} ~~become more complicated~~ ^{still greater}

if to this is superadded the
additional consideration as to
how far effect should be given
to the nominations of proprietors.
as the selection of men to the office
of Karnam

I am inclined to think the
balance of argument is in favour
of leaving the appointment to Revenue
officers.

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At the time of the permanent settle-
ment the Govt reserved to itself
power to make regulations for
the protection of the ryots & if
for this purpose it is necessary
to take away the power
of nomination to Karnamships
vested in proprietors, it is
thought that it may be
done. There is however the
question of supervision over
the proceedings of Karnams
in Zemindaris & of the
necessity for increasing
the staff of Rev. Inspectors
for this purpose.

19
It may ^{also} hereafter be found
necessary to prescribe educational
qualifications for the office of
Karnam. For these reasons,
it seems matter for consideration
whether it may not be best
to declare at once that Karnams
shall be appointed by revenue
officers rather than reserve
to the proprietors the semblance
of power without ^{the} substance
which the Board's ^{proposal} ~~power~~ involves.

In the case of Nam villages
there is no reason why pro-
prietors should be granted
the privilege of nominating
Karnams.

8. As regards (ii) there seems
to be no objection to a price
in the shape of the assessment
being adopted as a maximum
rate of 2000 as proposed by

the

the Board in para 2 of the
 Progs. If remuneration has
 to be provided for village
 servants other than Karmans
 the maximum rate will
 have to be increased. State-
 ment B appended to the
 Board's Progs. shows the
 number of existing Zemindari
 Karmans in 15 districts and
 the remuneration they receive.
 Karmans will have to be
 newly appointed in the Agency
 tracts where none exist at
 present. It has already been
 decided in G.O. dated 16 April
 1888, no. 270 A.D. that the
 mode of assessment and
 apportionment adopted in the
 case of land cess should be
 followed in the case of village
 cess also. The considerations
 urged in para 12 of the Board's
 Progs.

Progs. furnish the reasons for
 this course. In assessing for
 the land cess the profits of
 the ryots in Zemindaris are
^{taken}
~~assessed~~ to be equal to half
^{paid by them to the Zamindar}
 the assessment and not the
 full assessment as in the case
 of Government ryotwari lands
 and the Zemindar's profits
 are taken
 at half the net rental after
 paying the peshchut to Govt.

* The annual value of Karmans
 Mans is estimated by the
 Bd at 2 lakhs of Rupees
 of which 1 Lakh is taken to
 be the value of Mans given
 to permanent settlement
 granted by the State
 1 Lakh of more subsequent

The Loans granted by
 the State may be considered
 to be^a set off against the cess
 payable by Govt. on the portion
 of the assessment which
 represents the peshchut. The
 rule of proportion of 1 to 2
 suggested in G.O. dated 15 July
 1885, no. 823 for the apportion-
 ment of the cess between the
 Zemindar and the ryot will

unduly press on the already

Zemindari overburdened by it. The land cess rule of application will make the burden light to the full extent in para 20. The percentage being on an average $\frac{1}{3}$ rd of the assessment the cess will be apportioned under this rule in the ratio of 2 to 3 between the Zamindar & the Ryot.

As to (iii) the Board's (para 16) proposal that when the cess is imposed the Zemindars should be allowed to resume the Inams granted by them subsequently to the permanent settlement or the assessment which was not excluded from the assess. on which the proposal was calculated. From para 7 (a) of Mr. Bage's opinion.

printed in G.O. dated 3 July 1871, no. 450, it will be seen that grants of land on service tenure are resumable by the Zemindar when the service is no longer required or rendered. Inams granted prior to the permanent settlement will be enfranchised at $\frac{5}{8}$ th the assessment as in the case

case of service Inams in ryotwar tracts; the grant imposed being credited to the Karamis fund. The settlement as a rule will be made with the person in possession of the Inam rights but in cases where the lands have passed out of the original mirasidari family and it is unnecessary to treat the land with special consideration, the settling officer is to have the discretion to impose the full assessment. When the cess is imposed all fees payable to the village servants are to cease. The Board, however, have omitted to insert a section in the bill submitted by them providing for this. Where the fees paid by the ryots represent deductions from

This must be provided for
LCS 25

gross produce, the Zemindar
 should in strictness be allowed
 to resume his share of the
 amount deducted and add
 it to the assessment payable
 by the ryots. In most Zemindaris,
 however, so many ^{cesses} ~~cases~~ ^{originally}
 illegal have become customary
 that the ryot may be ^{allowed} ~~let alone~~
 to have the full benefit of the abolition of
 the cesses. Merely deducted
 from the gross produce.

10. With respect to (iv) the
 Board following the decision
 in G.O. dated 1 Sept. 1888, no. 615
 as regards levy of the cess
 at uniform rates and utili-
 zation of the proceeds of the
 village cess levied in ryotwar
 villages anywhere within the
 Presidency recommend that
 the same be adopted as
 regards Zemindaris also.

In the case of ryotwar
 villages the cess is generally

or the group of Zemindaris
 is a district.

introduced after settlement
 which is conducted on uniform
 principles in all or almost all
 districts and the ryots in these
 districts are all ryots under
 Government. This, however, is
 not the case with Zemindaris.

There is no reason ^{for instance} why the ~~cess~~
~~any portion of the cess~~
~~should be levied at higher~~
~~rates than would otherwise~~

~~be necessary in the Poulakimed~~
~~Zemindari simply funds~~
~~should be expended in~~
~~granted at these rates for~~
 the Ramnad Zemindari ~~which~~
~~same are found to be in~~

~~sufficient.~~ It is thought that
 the rule laid down for uniform
^{of rate} ~~ity~~ and utilization of funds
 should be confined within
 the limits of whole Zemindari.

10. In addition to the amend-
 ments in the bill suggested
 in paras 22 seq. of the
 Bd's Brgs the following

also seem to be necessary

(a) Sec 2. The Govt may take power to extend the Act to particular portions of the Presidency from time to time as may be found convenient

Yes 2g JH

(b) Sec 5 (a). The estate should include subdivisions of Zemindaris duly registered since the permanent settlement

Yes 2g JH

(c) Sec 5 (b). The main village referred to includes villages granted by Govt the ^{by him} ~~land~~ ^{as well as} ~~land~~ ^{as well as} villages granted by Govt. It is a question whether in the former case it is the ~~land~~ ^{the Govt} or the ~~land~~ ^{Mamdar} who should be considered as the proprietor. Under the bill as drafted the Mamdar should be & this perhaps is right.

I think so JH 2g

d) In sec 6 after the words register, the words = of ~~Karnams~~ ^{Karnams} employed in the estate should be inserted

Yes 2g JH

e) Sec 7 (1) There will be difficulty in deciding on hereditary claims to Karnamship when villages are chiefted by others

The Board is to lay down in Sec 25

f) Sec 13 (2) Here the words "in possession of the land" should evidently be "in power"

in Sec 13 (1) the ~~land~~ ^{land} ~~can~~ ^{can} ~~impose a permanent charge on~~ ^{impose a permanent charge on} ~~the land~~ ^{the land} ~~and~~ ^{and} ~~the words in brackets~~ ^{the words in brackets} ~~may be unnecessary~~ ^{may be unnecessary} ~~in 13 (2) I don't think any~~ ^{in 13 (2) I don't think any}

Should be allowed 2g

It is only referred to in the granted power to the permanent settlement 2g JH

Main

Under Sec 13 both Mamdar granted to prior to permanent settlement & under the control of Govt & Mamdar granted subsequent to such settlement & redeemable by Zemindars can be enfranchised. This does not seem to be intended

(g) Sec 20. It does not seem to be necessary to specify the duties of the Karnams if they are placed under the control of Govt officers. The Board may be given power to define their duties from time to time under Sec 23. JH 2g

W 2g

The question of placing Karnams in possession of land is a very difficult one. Under the control of Government has been under an ~~administration~~ ^{administration} for the last 20 years and a Bill for the purpose was drawn by Mr. J. B. 1874. Since then the scope of the proposal upon which has enlarged by suggestion that the Bill should deal with the class of villages known as ~~Zemindaris~~ ^{Zemindaris} and to provide funds for ~~the~~ ^{the} ~~raising~~ ^{raising} the staff the Bill

Can be shown to be
undoubtedly true.

The Board in their
view under consideration
can have dealt only with
the case of Karmans as
the information in their
possession does not authorize
them to arrive at a
conclusion as to the rate
of less which would be
required for the urgent
portion of the staff.

Various accounts of these
classes. It seems to
be very desirable that

the whole question should
be dealt with in one
comprehensive measure.

Although this involves
that there is no great
urgency as regards the
case of Karmans. And
if there is any intention
of a general reorganization

of the Govt. of
the Govt. it seems much
better to introduce the
measure of reform at
one time.

and to avoid
the disturbance which would
be caused by further

legislation and an increase
in the number of the staff.

The Zemindari Karmans Bill.

20/9/09

I think it is better to deal at
once with all the servants employed
in the Zemindari than to
leave the interest of the State to
be sacrificed to control. I think
that the Government should
be required to pay the
cost of the collection of
the information about the
Zemindari. I am again any delay in the

20/9/09

I am again any delay in the

after which as the Secretary says
has been under consideration for Current No.

20 years already. The defects of the
law as regards 3 ^{from} zemindary Karmans
require remedy much more urgently
than would be thought from the length
of time that has been taken to

consider it. There is a unanimous
cry for legislation for all parts of
the Presidency. A letter recently
circulated states that it is the
great want of Gungun. One

who I have just received (privately)
for the Government of Katakata says:
"Can any means be devised
by which the zemindars may be
saved from the tyranny of the
Karmans?"

The defects arise
from the conduct of the Karmans
whom I cannot punish. What is it
to pay them to the Civil Courts.

I need not tell you. Difficulties
about census inquiries in zemindaries
will attract special attention to
this matter now. During my whole
service I have heard continual
complaints about zemindary Karmans.

And immediate remedy seems to me
to be required for evils which have
been before Govt. again & again both
as regards the interests of the
State, especially in the way of
protection, & the interests of individuals.

It is no good that this law will have to
be altered again now with reference

to the rate of cess thereby
after its introduction.

The information which the
Board have already called
for on this subject, supply
materials for a comprehensive
scheme and there can be
little doubt that such a
scheme would be a great
improvement in the ad-
ministration.

As to the introduction of a
cess I do not think there
are any practical difficulties
which need to be
considered in the way. It can be
levied in the same way
as the land tax and the
absence of a regular survey
of the land would be no
obstacle to its imposition.

As to any of the difficulties
which are mentioned in the
Bill of the 14th of the

Dated

188

FOR ORDERS.

FOR ORDERS.

While this is in fact
 is it is in possible
 from a judgment as to
 that the less I should be
 that the effect of it
 will be in enhancing
 the number of the proprietors
 of the land and how the
 lands should be distributed.
 This is a fine in some
 fine to clear the proprietors
 to become the sole proprietors
 of the land, but if this is
 settled they will be fully
 satisfied and the holders
 of them will be in a better
 position than the holders
 of lands granted prior to
 the permanent settlement.
 Assuming that the intention
 is to enfranchise them
 at 570 of the settlement
 is added to. This is
 a fine for enfranchisement,
 however whether such
 enfranchisement is a necessity
 or has resulted in a
 needless sacrifice to
 the holders of the village lands
 in the case of
 the village lands.

the latter.

Current No.

From

Dated

188

FOR ORDERS.

It is stated that when
 the land consists of the
 settlement of land is
 not proposed to be purchased
 as in the case of similar
 assignments; in fact it is
 not to be purchased at a price
 equal to the full value of the
 land. The same course will be
 followed in the case of the
 land. Hence there would
 be a natural accession to
 the available funds, but
 perhaps the difference of
 treatment is compared
 with the liberal settlement
 adopted in the village lands
 for which would be considered
 an inadequate return to
 the proprietors of the village
 lands.

The proceeds of the land
 should be paid to the

W.D.B.

This is a fine but I cannot
 say whether it is a fine or not.
 It is a fine for the village lands.
 It is a fine for the village lands.
 It is a fine for the village lands.

I think a distinction should be
 made as to whether the
 village lands are to be
 purchased or not. In all
 cases the village lands should be
 purchased at a price equal to the full value of the land.

FOR ORDERS.

The Union
Kansas Bill

Should be more than usual
249

16th anniversary 29

4/12/12

Is it not provided for 3 Sec.

 25^2

I like it very much. 111
- vii -

4171a

Returned by the
Haverhill & Stokess.
without being called
upon. Saw the
Haverhill & Stokess.

Ch
3-1/6

of Chertsey. Whether the
power of inflicting small
fines, which the Commission
or its sub-committee, had
hardly to implement.

nothing is said as to the
fulfillment of promises
and whether hereditary
claims are to be respected
and to whom they
have the intention to
abolish the hereditary right
of 1662. The King
of 1662. It is thought
however that it should be
preserved as long as it is
retained in the case of
similar events in the
long run.

It seems quite unnecessary
to discuss the value
of Karmas in the Phil
ology. They can be seen
by Karmas placed under
the text.

11/1/78

17/2-

From

Dated

18

FOR ORDERS.

No. *Papers relating to the
Tennyson Resumes
Bill.*

I have passed the Hon. W.
 Brown's name after & personally
 agree with them - except that on
 131119 R - off Bill.

These papers are sub-
mitted to the Hon^{ble}
Mr. Justice with reference
to the Hon^{ble} Mr. Justice's
remarks.

The main questions to be
decided are the following.

7. Immature is given to the
care of parents by my
parents and the other women.

Yrs - see my ^{unusual} letter on the 24th inst
letter - I'd like to have more the
Bible to do this by modifying its little
escape making it possible for the
Bible to lead into all other sciences
in the series either fine class.
at times or by all together - This
is fine plenty of time together -
information about Italian or some
after ~~the~~ ^{the} ~~Korean~~ ^{Korean} has been
the best -

(c) Is the Rule to be
made applicable to all
classes of Kings & Queens
in Louisiana or only
to Americans?

(12) Is the fund, which
will consist of the proceeds
of the less and quit rents
on enfranchised houses
to be a general fund
applicable to the whole
Parish or to all the
Estates or a distinct
or to be a special fund

Very well for

45

(C). Pink means the whole amount
of the purchase - on the 7th price
- the where the land is the subject
of the offer - there has been
is a transaction - the land & which it is
for the sale of the same old.
expansion of the land of the
series term of policy the first
meeting out of the same old
the same.

G.H.

Full amount.
 Discharge in full 4/1/18
 D.B. is not to be
 discharged from the
 well

Very well
JH.

of the Bill the amended village
Cris Bill
Cris act draft should be
looked at. I have been suggested
reference to the amended Land
Cris act of last year. Perhaps
a reference to the amended Bill
should be inserted.

23/7

(C) There are many
lands in Louisiana
to be dealt with? in their
connection the treatment
of those which were
conceded to the King
of Spain by the State
prior to the permanent
settlement of those which
have been granted by
Proprietors & subsequently
has to be considered.
Also whether any dis-
tinction should be made
between those lands in
which the Government
of the land nearly
constitutes the land
and those lands in
which the land itself
was assigned for the re-
liefment of the other
land.

As all these questions
are fully discussed
in the letter for review

it seems unnecessary to
do more than indicate
the points on which or-
ders are required. There
are some minor points of
detail also which have
been noted only by the
Hon^{ble} Mr. Gore.

FOR ORDERS.

The Zemindary Revenue
Bill

The Hon. Mr. G. S. S. S.

C. No. 194 of ~~1887~~ 1889

G. O.

With the Proceedings read above, the Board of Revenue submits revised draft of a Zemindary Revenue Bill. Called for in G. O. dated 16-4-88 No 270. The question of amending the law relating to this class of officers has been under consideration for the last 20 years. In its Proceedings dated 27-10-74 No 2975, the Board of Revenue discussed fully the defects in the existing laws in regard to Kharnams and other village servants in Zemindaries and other proprietary estates and arriving at the opinion that the law relating to Kharnams in these estates urgently required urgent reform submitted with the Proceedings a draft of a short Bill for amending Regulation XXIX of 1802 with the view

of placing the Thannams employed in Proprietary estates under the Control of Collectors in like manner with Thannams employed in tracts not permanently settled. The need for obtaining such control was also pressed on the attention of the Local Govt by the Resolution of the Govt of India of 10 August 1882 in which that Govt while reviewing certain portions of the Report of the Famine Commission which suggested methods for improving the manner of registering and utilising vital statistics throughout British India, invited this Govt to consider whether legal obligations — could not be imposed on village officers in Tanjore and other tracts, the returns from which had been reported to be of a very unsatisfactory character.

The

145 12
2 The Draft Bill submitted by the Board was referred to the Legislative Department which revised the Bill and somewhat enlarged its scope by providing
(1) for the appointment of Thannams in villages in which there are no such officers at present;
(2) for the sub-division of any village which is too large to be managed by a single Thannam into two or more villages; and
(3) for the Constitution of a fund by enfranchising the iram lands attached to Thannams service, for the remuneration of the additional Thannams whom it may be found necessary to appoint under the ^{two} previous provisions. The Bill as thus amended was introduced into the Legislative Council by the Honorable D. St. Carmichael, on the 15th of October 1883 and referred to a select Committee

which

which suggested a few
amendments among which
was the ^{addition of a} provision to enable
the Govt to assess fully
all ~~off~~ ^{of} ~~the~~ ^{the} ~~land~~ ^{land}
which though originally
bestowed as an emolument
of the office of Kharrans
have passed into the en-
joyment of persons not
doing the work of the
office. The question, how-
ever, arose whether even
with this provision, the
Kharran fund would
be found sufficient and
on a reference from Govt
the Board reported in 1885
that the fund thus con-
stituted would be in-
adequate to meet the demands
on it and suggested the
imposition of a cess to
supplement it. The Govt
thereupon abandoned
Mr. Charnick's Bill
and called upon the Board
to submit a revised Bill
containing provision
for the levy of the cess.

(G.O. 3764-85 No. 270)
suggested. The Board was
also asked to consider the
question of extending the
Village Service Cess Act
to Zemindaries in view
to bringing under Govt
Control and supervision
the other Village establish-
ments employed in such
estates, especially the
Khavalgars employed large-
ly in the Zemindari and
Devastanam Villages in the
Tinnevely District, about
which ^{there} ~~there~~ were frequent
complaints (G.O. 3764-85 No. 3850).
The Board ^{now} submits a revised
Bill dealing with the Ze-
mindari Kharrans only
leaving the question of
dealing with the other
Village servants for fu-
ture consideration and
in doing so observes
that the necessity for
legislation in the case
of other village servants
is not so urgent as it is
in the case of Kharrans,
that most of the collection

who reported on the question in 1874 thought that the introduction of the Village Cess Act into Taminidaries was not only unnecessary as there were no complaints against the other village officers but also that there would be several practical difficulties in carrying out the measures, and that the Taminidari tracts being for the most part unsurveyed it would be practically impossible to introduce the Cess Act into them.

The Board has, however, called upon collectors to report upon this question of extending the Village Cess Act to Taminidaries in view to addressing Govt. separately on the subject.

4. The Govt. while agreeing with the Board in considering that the defects in the law as regards the Taminidari Ekamams require immediate remedy does not share its opinion that

it is neither practicable nor necessary to introduce into Taminidaries a Village Cess Act. ^{Many} ~~Govt.~~ of the Village officers in Taminidaries have important ~~magisterial~~ and police duties to perform and if Govt. is to look to them for efficient performance of these duties, it is essential not only that they ^{should} ~~ought~~ be remunerated properly but also that their remuneration ^{shall} ~~must~~ be under the control of Government, and this can be secured only by introducing a Village Service Cess Act into Taminidaries. If it is an objection to introducing a general Village Service Cess that Taminidaries are mostly unsurveyed, it is equally an objection to introducing a Kharan Cess. But as it is proposed to charge the Village Service Cess in the same manner in which the Land Cess is now charged there need be no greater difficulty in working the

former

former than there is in work-
ing the latter cess. There is
of course the additional dif-
ficulty ~~in the application~~
of dealing with the existing
enrolments. But as this
difficulty, whatever it is,
must be met even if the
proposed legislation is to be
limited to Karmans, the Govt
considers it desirable that
the opportunity of the pro-
posed legislation should
be taken to give it such
scope as ~~would~~ ^{will} admit of
its being applied to all such
village servants as the Govt
may from time to time deem
it expedient to bring under
the control. It was, such
control and not suppression
that Govt desired in the
case of the Kavalgars of the
Sinnivelly District, and
those whom the Govt
wished to bring under
control are not the ~~Indi~~
Kavalgars ^{employed} ~~employed~~ but the Kavalgars
who are ~~employed~~ ^{employed}
recognised

although it is intended to
restrict its application to
Karmans in the first instance
I would say
though it is to be applied
first in the case of
Karmans only
25/9/10

- vide Note (2) ⁱⁿ para 2 of the Appendix.
1. Karmans
 2. ~~Dransig~~ ^{Dransig}
 3. ~~Dronegars~~
 4. Minor Rev. officers
such as Tethes, Toties
and Sandalgars
 5. Minor Police officers
such as Talaries
Kavalgars and ~~other~~
 6. ~~Thiganties~~
Thiganties are not police
officers. The Govt is not
interested in the performance
of the duties of this class of
persons in the district and
they may I think be left
out of account.

As
Karmans to must be put in
separate classes. I have never
known of primary Thiganties,
but if there are any they must
be village servants. Perhaps
the Act will never be extended
to them. They should be put
in a separate class
24/9/10

recognised village servants
and who as such are as
much state servants as the
Talaries employed in Govt
Villages.

5. The Bill submitted by the
Board will accordingly
be modified so as to make
it applicable to the marginally
noted village servants in Te-
minidaris and other proprie-
tary estates, the Govt taking
the power to extend the Act
to such classes of village
servants as it may from
time to time deem expedient.

6. As regards the appoint-
ment, punishment and dis-
missal of these officers
the Govt has after careful
consideration arrived at
the conclusion that it will
be best on the whole to vest
the necessary powers in the
Revenue Officers in charge
of Divisions of Districts,
their decisions being sub-
ject to appeal to the Collector
and the Board of Revenue
as is the case in regard to
similar

similar officers in Govt
Villages. It is of great
importance to the adminis-
tration that the principal
Village servants whether in
permanently settled Es-
tates or ryotwari Villages
should be brought under
the same regulations
as regards educational
and other qualifications
and this can be secured
only if the power of appoint-
ment of all such servants
is in the hands of the same
Officers of Govt. Any
loss to the Proprietor
of patronage in the mat-
ter of these appointments
will, the Govt feels as-
sured, be more than
counterbalanced by the
efficiency of the Village
establishment which
this measure will en-
sure.

7. The scope of the Bill
being thus enlarged
the fund to be constituted
under it will be called

the

and of any fines recovered
under the Act

85

¹ vide para. 23 in the Appendix

² vide paras. 21 & 22 in the Appendix

³ There may be some
cases of this kind.

153 86
the Proprietary Estates
Village Service Fund and
will consist of the proceeds
of enfranchisement of the
Inams attached to such
Village offices as will from
time to time be brought
within the scope of the
enactment, and of a cess
which will be levied in
lieu of all other emoluments
received by such Village
Officers.

8. The Inams to be enfran-
chised, will, as recommended
by the Board, be only those
which were in existence
at the time of permanent
Settlement. These will be
dealt with under the ~~Inam~~
rules ~~as now in force~~
or may hereafter be framed
for the ~~purpose of~~ ^{purpose of} ~~enfranchisement~~
of similar Inams in Govt
Villages, while all Inams
granted subsequent to
the permanent Settlement
either by the proprietors
or by Village communities
will be allowed to be

resumed

resumed by their respective
grants (4)
donors.

9. The Village Cess will be levied and apportioned between the proprietor and his tenants in the same manner as the Land Cess is now levied and apportioned. The rate, however cannot ~~now~~ be fixed as it must depend on the classes of Village servants to whom it may be deemed desirable to extend the proposed ~~det.~~ Provision will therefore be made in the Bill empowering the Governor-in-Council to determine the rate from time to time.

The rate will be uniform in all estates in which it is levied, subject to a maximum which will be determined on as soon as the necessary information on the subject is ob-

trained. The rate will not
probably be fixed on
the basis of the super-
10. The information which
the Board has called
for

② side diam. $39\frac{1}{2}$ inches
apricordis.

of one anna in the rupee
should be substituted for the
underlined words. See my
remarks in the Appendix to the
Note

29
I propose the draft - with the
adding of two "ch. with
and probably intended no
more in the future" - J. H. J.

for in paras 4 and 21 of
its Proceedings is not suf-
ficiently definite, Collector
should be called upon to
report ^{at once} for each estate

(1). The existing number of village servants of the several classes noted in the margin of para 5 above;

(2) their existing remuneration, the sources from which it is derived and where any portion of the remuneration is contributed jointly by the proprietor and his tenants, the proportion in which the charge is respectively borne by them;

(3) the number of Village servants of each class, which it is desirable to maintain and the present and prospective cost of such establishments;

(4) The amount which would be available by enfranchising the income attached

attached to the several services; ¹

(5) the annual rent value of the estates determined in accordance with the provisions of the ^{Madras} Local Boards Act IV of 1884 as amended by Madras Act III of 1890.

11. On the question of the utilization of the fund raised under the proposed Act, the Govt fully concurs in the Board's remarks in para 18 of its Proceedings. The fund being made up of the proceeds of enfranchisement of only those inams which were in existence at the time of ^{the} permanent Settlement (and therefore excluded from the assets on which the permanent assessment was fixed) and of a money cess which will be levied in lieu of all other payments at a uniform rate in all

which were in existence at the time of the Permanent Settlement

24 29

20 vide note on margin of page 22 in the copy of page 14

all estates there can be no objection to its being regarded as a general fund available for expenditures, according to requirements, in all those estates which have contributed to it. A similar provision has been inserted in the Bill to amend Madras Act IV of 1884.

12. The Board, it is observed, has omitted to insert a provision in the Bill that when the Cess is imposed in respect of any class of Village service, all fees or other dues payable on account of such service will cease. The necessary provision will be made in the Draft Bill. Provision will also be made for the ^{calculation} ~~determination~~ of the annual rent value of estates for the purpose of calculation the Cess payable under the Act.

13. The Govt considers that the duties of Village officers need not be specified

vide para 25 (3) in the calculation of the Cess payable under the Act.

fixing the amount of the Cess payable under the Act.

specified in the Act, but
may be left to be defined
by the Board of Revenue.

14. In addition to the modi-
fications above referred
to, the draft Bill submitted
by the Board requires some
slight verbal alterations
here and there. With these
modifications and with
a draft statement of
objects and reasons,
the Bill will be transferred
to the Legislative Dept
in view to steps being
taken to introduce it
in the Legislative Council
at an early date.

P.T.L.
24/9

24/9

On re-reading the G.O.
it seems to me that
it is a separate statement
with of 'Objects & Reasons'
with a circumstances need
prepare a not be prepared in
statement this Dept? as the G.O.
& Objects gives these succinctly.
& Reasons of however the
in the Leg. Legislative Dept. with
Dept. to have a separate
27/9 statement prepared
in this Dept, a draft
will be submitted
for approval after
orders are passed
on the draft G.O. and
the 'note' appended.

Yes. There should be a part of
Objects & Reasons, & this should
say distinctly that the Act is first
to be enforced with regard to
Kannans and

24/9 13/10/20

With an Appendix

C. No. 174 of 1897

Draft E.O.
With an Appendix
Re. The Laminated
Karnams Bill

The form in 1892
The form in 1897

Karnams are specially
mentioned once in the Preamble,
in the Statement of Objects &
Reasons & in Form A that will be
enough.

1/10 Preamble

These figures
except 2, 3 & 4
correspond to the
red ink figures
in the margin
of the copy of the
Bill printed
with the copy
of the current
marked
put up.

Note

The sections
were referred to
in this appendix
according to their
numbers in
the Bill. The
numbering was
the same.

Yes. the
Karnas Proprietary
Village Service
Act. will do.

secs 2 & 3

161
Amendment in the Draft Bill
submitted by the B? of Res.

and other village officers

and other village officers

such officers

and summary punishment
of irregularities on the
part of such officers.

their

See 1

and other village officers

[Note. It is submitted that
the Act may be called the
Karnas Proprietary Village
Service (or Cess) Act -
vide para. 14 below]

7 [sections 2 and 3 may be
replaced by the following]
It shall extend to such
estates within the Presidency
of Fort St George, and shall
apply to such classes of Village
officers therein, as the Governor
in Council may, from time
to time.

to him by notification direct;
 "And it shall come into
 force in each of such estates
 and in regard to each of such
 class of village officers, on such
 date as the Governor in Council
 in like manner directs in
 this behalf"

[Note: The above may either
 be added to sec 1 as subordi-
 nate clauses or numbered
 separately as sec. 2]

8. "and section 11 of
 Regulation XXV of 1802
 are"

[Note: The above may also
 be repealed.]

9. "(b) any portion of such
 permanently settled estate,
 which has been separately
 registered in the office of
 the Collector."

[Vide Sec. 8 of Regulation
 XXV of 1802 and secs 5
 and 6 of Madras Act I of
 1876.]

10. "On other village officers"

I think it should be numbered
 separately by H

Note (2): It is submitted
 that the classes of village
 officers to whom this
 act may be applied
 may be specified.

If this is approved
 the following clause
 may be added:

"The village officers
 to whom this act may
 be declared applicable
 shall be those below
 going to the following
 viz classes, by which
 each designation
 they may be known
 namely:-

- 1. Karmans, Munsiff
 and Moneylenders
- 2. Minor Revenue officers
 such as Vethis,
 and Tandalgans
- 3. Minor Police officers
 such as Taliswars
 and Haradgans
- 4. Mirgauties."

This is not the case
 at all with Karmans
 who are not included
 in the list of village
 officers. Sec 5
 I do not think
 it is included
 in the list of
 village officers
 in the performance
 of their duties

See above
 H
 11. "or such other village officer"
 12. "of Karmans and other vil-
 lage officers employed in his
 estate"

Sec 7(2) 13. "them" may be replaced
 by "that authority"

Sec 7(3) 14. "Proprietary Estates"
 village service"

[Note: It is thought that it
 would be an advantage to use
 a self-explanatory term like
 the above.]

Sec 8: 15. Omit

Sec 10, 11 & 12 16. [For sections 10, 11 & 12
 substitute the following]

5- "The appointment, furnish-
 ment and dismissal of Kar-
 mans and other village officers
 shall vest in the Revenue
 Officer in charge of the di-
 vision of the District in which
 the village is situated, any-
 thing in the Sarnad-i-mil-
 keah-istimrar to the contrary
 notwithstanding"

notwithstanding.

vide para 52 at the end

17 [In section 11 of Regulation see 11

XXV of 1802, which section

this Act will repeal, there

is a specific provision that

where a Zamindar or his

under farmers, tenants or

"ryots" may have cause of

complaint against a Karmam

for breach of his duty, such

Zamindar shall be free to

institute a suit in the Adaw-

lah of the Willah for the

purpose of bringing such

Karmam to trial and punish-

ment.

The first part of sec 11 of the

Bill was apparently inserted

in view of the above provision.

It is for consideration whe-

ther this part of sec 11 may

not be retained in a slightly

altered form. If its retention

is thought desirable, it may

be added as a clause to the

previous section, worded

as follows.

Proprietors or their

under farmers or tenants

who

* [Query: Why only the Zamindar]

vide para 52 at the end

Village officers may be substituted for "Karmams"

25 H

ditto 25 H

This was possibly the main difficulty the

B^d had in view

when it says (para

3 of the Prov.) that

"in the absence of

a regular survey

and settlement

it would be

practically im-

possible to introduce

the new Act in to

Zamindari.

who may have cause of complaint

against a village officer may

institute a suit before the

Rev. officer aforesaid for

the purpose of bringing such

officer to trial and punishment.

18 and other village officers

19. "Or other village officers

"to whom this Act is de-

clared applicable".

20 [Note: If enfranchise-

ment of the service man is

to be preceded by a scientific

survey and settlement of the

lands, there may be difficulty,

especially under the enlarged

scope proposed to be given to

the Act. It is therefore

submitted that for the words

"under the rules of the

Rev. Settlement Dept" the

following words may be

substituted:

"if it were not an inam"

The Govt will then be free

to adopt either the old assessment

or scientifically ascertained

rate.

rated as it may find convenient or a provision similar to Rule VIII of the Inam Rules [Vide page 216 in the appendix to Board's S.O.] may be inserted. Please see para. 22 page 11 below where another suggestion is submitted.

21 [Note. It is presumed that the sentence in italics is to stand. The land being Inam, it should be enfranchised (i.e. freed from the condition of service); and as it is not in the occupation of the village officer, full assessment is proposed to be imposed. So far there seems to be nothing objectionable; nor need the use of the term quit-rent be objected to. This term does not appear to be defined anywhere, but it does not always mean favorable rent; for example, quit rent in the Orissa as Tonon is only another name for land assessment and in Puttocin the quit-rent on house-sites

It is there provided that in districts which have not been regularly assessed the quit-rent may at the discretion of the Inam Commission be fixed at once

I think the general note in the margin instead of a proposition better in it. The Commission of the assessment from a district has after that the terms of enfranchisement be

The suggestion in para 22 should be adopted. The rate of 5/8 should not be specified

He is in the land (land) to be taken the Inam Commission of the village

Need not be the matter in italics. The matter is provided in the first part of the

So the Agent is to prepare the Inam Commission which is the impression of the full

The name of the land is not in the Inam Commission. The name of the land is not in the Inam Commission. The name of the land is not in the Inam Commission.

This proves that the title deed is of more value than a patta. The quit-rent is not to be paid, and the same will be the case in the future. But who takes the title-deed or the patta? Attention is solicited to this question. The definite procedure laid down in the section in regard to the grant of title-deeds of enfranchisement is not in accordance with the practice of the Inam Dept; and it is accordingly submitted that the section may be so recast as to leave the Inam Commission free to adopt either the procedure he has hitherto followed in the case of similar Inams in Gov. Villages

house-sites is charged at the rate of Rs 20 per acre, which represents the highest consolidated double crop wet assessment in the Simmelly districts. When the full assessment is imposed the Inamdar will be allowed the option of taking either the Inam Title-deed or an ordinary ryotwari patta-Vide Rule 3 at page 221 of the appendix to Board's S.O. But who takes the title-deed or the patta? Attention is solicited to this question. The definite procedure laid down in the section in regard to the grant of title-deeds of enfranchisement is not in accordance with the practice of the Inam Dept; and it is accordingly submitted that the section may be so recast as to leave the Inam Commission free to adopt either the procedure he has hitherto followed in the case of similar Inams in Gov. Villages

Yes. I am very much interested in the results of the experiment.

F. Land (names)

(1) Where the land is in the occupation of the village officer.

(2) _____ not in his
occupation

Siva hams

(3) Where the land of which the *Thiva* (assessment) is the emolument is not in the occupation of the village officer.

(4) — is also in his occupation

The village officer ought to be the head of the
tribe - i.e. in possession of the land
constituting the tribe. L. J.

The Hon. Mr. Simon comments
that the present district should
not be altered in the case
of future terms.

13 (2) may be omitted

Yes - in the case of river
above the pub. water.
to the entrance. Hg

Les 29
cours
245

It seems therefore best not to specify in the acton the person in whose favor the tenement will be enfranchised.

22. As regards case 3, it was remarked in the note for orders that in Sec 13(2) the words "in possession of the land" should evidently be "in possession of the man". but no orders have been passed on this remark. The Inamdar (if there is an Inam in this case)

being the Village officer, there is no meaning in giving the title-deed of enfranchisement to the occupant of the land; nor on the other hand, is there any reason for giving it to the office-holder for the time being. The fact is that no enfranchisement is needed.

ii

in this case (nor in Case 4)
 The arrangement being that
 instead of or in addition every
 ryot contributing some fee
 towards the remuneration
 of the village officer, the
 assessment payable to
 Govt. by one or more ryots
 is assigned to the officer, the
 proper course, when this sys-
 tem is replaced by the system
 of direct payment of salary
 by Government, would seem
 to be to cancel the above
 assignment and to resume
 the levy of assessment directly
 from the ryots concerned
 just as the fees spoken of
 above (or ~~their~~ ^{its} equivalent
 the cess) ~~are~~ ^{is} levied by
 Government. But the prac-
 tice has been not only to apply
 the principle of enfranchise-
 ment to this case but also
 to allow the quit-rent prin-
 ciple of charging only $\frac{5}{8}$ of
 assessment and, what is
^{hard} ~~based~~ on the ryots concerned,
 to give the title-deed of
 enfranchisement to the
 Office-holder.

Present for Enfranchisement
 Lt. Col. ...
 ...
 ...

Yes. this practice was ...
 ...

6114 (Inam Com-
 missioner's reply to G.O.

29-7-90 No. requesting
 4647
 to quote the authority for
 extending the concession
 of a favourable quit-rent
 to certain cases of Tawa
 Inams.
 This can be circulated for
 reference to the Collector &
 a note is received.

There has been so far no objection
 as to the franchise and
 it is desirable that the principle
 should be laid down
 when the Government is
 of the assessment or land then suggested
 is no necessity to enfranchise
 full assessment may be imposed
 and limited to the Fund.
 The same course may be followed to whom this Act is extended
 when the land constituting the
 share is not in the possession
 of the office holder.

office-holder, thereby making
 him a land lord and thereby to
 his tenants. This course is
 objectionable in many ways,
 but it is unnecessary to dis-
 cuss it at any length here
 as the question will be fully
 gone into in connection with
 another current now under
 disposal. It is here submitted
 that in view of the circum-
 stances stated above, namely
 that in case (2) the practice
 of the Inam Dept has been to
 give the title-deed sometimes
 to the office-holder and
 sometimes to the occupant
 of the land and that the
 procedure to be followed
 in the case of Tawa Inams

is under consideration, the
 section may be recast as
 proposed in para 2 of supra
 The following form is
 suggested:-
 "If the remuneration of
 the Kharman or other village officer
 is to be paid to whom this Act is extended
 Consist in whole or in part
 of encumbrances from land
 the

4647
 30/9.

the same Commissioner
may enfranchise them from
the Condition of service
under the rules for the
time being in force in
respect of similar emolu-
ments in villages not
permanently settled or
under such rules as the
Governor in Council may
lay down in this behalf
[It is not necessary
to specify the rate here
as it is always open to
Govt. to impose any assess-
ment on lands]

How would it be possible
to specify ^a rate which
would apply to all cases.
The five-eighths assess-
ment rate agrees with
the rate sanctioned for
Service Dams in Govt
villages (G.O. 26.4.61 No.
939); but this general
rule ~~may~~ ^{is} liable to be
modified by various
special rules in view
of the Jori charged on these
Dams (G.O. 13.6.61 No.
1191). The consideration
of this Jori which would
be payable to the proprietors
might necessitate the
framing of more
elaborate rules than
were framed for Govt.
villages. It is therefore
best not to specify
any rate in the Act.
It will be seen below
in para. 2 that it is
proposed to deliver
Court from having
Cognizance of questions
relating to the rate of
quitrent or assess-
ment which the Govt.
may choose to impose
on Service Dams lands.

Sec. 13 (3)

framing of more
elaborate rules than
were framed for Govt.
villages. It is therefore
best not to specify
any rate in the Act.
It will be seen below
in para. 2 that it is
proposed to deliver
Court from having
Cognizance of questions
relating to the rate of
quitrent or assess-
ment which the Govt.
may choose to impose
on Service Dams lands.

It will be seen that
only Police establish-
ments are mentioned
in the Sarnads (first part)
granted to the Zamindars
of Dava and other.

as were not excluded from
the assets on which the per-
manent assessment was fixed.
But as the peishush was not
not fixed in all cases with
reference to the assets at the
time of settlement, the terms
of the Sarnads will not be
uniform and there is reason
to believe that in regard to
village officers emoluments
the Conditions entered in the
Sarnads are not the same in
all. In the form printed at
pp 96-100 of the appendix to
Board's S.O. the permanent
assessment is stated to be
(para 2) exclusive of all
lands and rooms here-
before appropriated to the
support of Village and Police
Establishments; but in the
Kalahastri and Venkagiri
Sarnads only the police
establishments appear to
be mentioned. (Vide paras
12 and 3 of the Memorials
in G.O. 10-1-84 and 16-1-84
3 Dec and 22 Dec in
the file with G.O. 5-8-85
123
But whether specifically
excluded

excluded or not, the en-
 rollments of village establish-
 ments could not, it is thought,
 have in any case formed an
 item of assets when the per-
 manent assessment was
 determined. It is accordingly
 submitted that all village
 officers' enrollments which
 were in existence at the time
 of permanent Settlement
 should be dealt with under
 Sec 13. If this is approved
 it is matter for considera-
 tion whether it is not de-
 sirable to make this point
 clear in the Section by
 adding to the section words
 to the following effect,
 namely that all enrole-
 ments which were in
 existence at the time of
 permanent Settlement
 would be dealt with under
 Sec 13 even though they may
 not continue as such at the
 time this Act comes into
 force. There may be great
 practical difficulties
 in ascertaining the en-
 rollments

#. It may be that
 some of the service
 lands pay a
 jodi to the Tennindar
 which jodi is included
 in the assets; but the
 enrollment is the
 value of the man-
 ufact minus the jodi.

This may be specifically
 stated
 H. J. S.

(4). While in para. 8 of the
 draft G.O. it is stated that
 the enrollments which
 will be dealt with by the
 Drain Commr. would be
 only those that were in
 existence at the time of
 permanent settlement,
 it is stated in para. 11
 of the draft G.O. that
 these incomes are regarded
 as enrollments. It is
 from the assets on which
 the permanent assessment
 was fixed. This explanation
 was made in
 para. 11 because of the
 view taken here that
 the description given
 proposed to be en-
 rollments may be described in
 other way (vide note # above)

The proviso is intended
 as follows.
 Provided that the Enrolment
 is confined to those Enrol-
 ments which were in exis-
 tence at the time of the
 permanent settlement, and
 were excluded from the assets
 in fixing the Permanent

+ I doubt whether we could prove
 that they were excluded in the
 case of the feudal estates
 H. J. S.

enrollments which existed
 at the time of permanent
 Settlement and greater dif-
 ficulties in dealing with those
 which have ceased to be re-
 garded as such enrollments,
 but whatever the practical
 difficulties, the law may be
 made clear, and the addition
 above proposed is in view of
 the fact that in some estates
 the old incomes are reported
 to have been resumed.
 For example, in para 4 of
 the Special Dist Collector's
 letter forming ^{Enclosure} ~~part of~~
 I in the Madura Collector's
 letter dated 21-11-72 No 340
 printed at page 37 in the second
 file of papers received with
 Board's Proceedings of 27-10-85
 No 2795, it is stated with
 reference to the Ramnad
 Tennindar that formerly
 the Kammis had maniam
 lands but these were all
 resumed in the time of Ploo-
 to Guloappa Pillai, Minister
 of the then Tennindar and a
 regular system of fees
 was

was introduced. It is not known when this was nor whether these maniam lands belong to the category of prior or subsequent inams. If they were prior inams, they should, it is thought, be regarded as Gork lands and dealt with under section 13. If this were not done, proprietors who have not resumed these inams would be at a disadvantage and they might be tempted to follow the Rannad example or pretend to have followed it. Should they by so doing save these inams from being dealt with under the Act?

There is one other special case which requires consideration. When the Salem Brittons were settled, the cost of maintaining village establishments was provided for by deductions from Peishush - vide the Salem Collector's letter dated 17-1-72 at page 10 at page 25 of the first file of

The for in the day the little in the land in my direction should think be added to the fund in the less important.

It is thought that a special provision need not be inserted in the Act dealing with the Sub. in the subsequent inams may be dealt with by the grantors in any manner they think fit.

24. Experience seems to show that 10 Pct is a high rate. It has been found expedient to discontinue it in Vijayanpura, & I think the question whether it should be discontinued or not is under consideration in other districts. The section might be given into, "Of the Governor in Council or directors," and in the proviso it might be stated that if the proprietor is required to collect, he will get the 10 Pct.

Butter now to the rate by the Government lower it to the point of time.

of enclosures with Board's Proceedings of 27-10-75 No 2975. Should not these ready money deductions be resumed? If they are to be, is the Cess to be imposed in addition? It is thought that both should be done. If this is approved, the necessary addition will be made in the Bill.

24 for "aforesaid" Substitute or assessment imposed by the Inam Commissioners.

25(1) These sections relate to the imposition and collection of the Cess proposed to be levied under this Act. As the Cess will be charged and levied in the same manner as the land Cess, it is a question for consideration whether it will be sufficient to say so or whether it is desirable that the Act should be complete in itself.

(2) In the former case

the following may be substituted for secs 15-16.

§ 15. It shall be lawful for the Governor in Council to levy in each estate to which this Act may be extended a money cess to be called the Proprietary Estates Village Service Cess.

"The rate of Cess shall be, from time to time, determined by the Local Govt; but it shall not in any case exceed the rate of — in the rupee on the annual rent value of all occupied lands comprised within the limits of the estate"

§ 16. The annual rent value aforesaid shall be calculated and determined in the manner provided by Secs 64-71 of the Madras Local Boards Act V of 1884, as amended by Madras Act III of 1890 and the Cess due thereon under sec. shall be leviable in the manner provided for

11-12-1890
X I think the rate should be fixed & that it should be 1 anna in the rupee as in the case of Est. villages. We know that this maximum is ample for the Karams to which class of village officers the act is to be extended. We cannot impose a higher tax on ordinary villages than on the Est. villages, & if we find that the fund is not sufficient for all the classes to which we wish to extend the act, we must refrain from extending it to some.

Maximum should be 1 anna in the rupee
X I think the rate should be 1 anna in the rupee as in the case of Est. villages. We know that this maximum is ample for the Karams to which class of village officers the act is to be extended. We cannot impose a higher tax on ordinary villages than on the Est. villages, & if we find that the fund is not sufficient for all the classes to which we wish to extend the act, we must refrain from extending it to some.

of a higher maximum for proprietary villages than is fixed for ryotwar villages may be complained of, although the Govt. may apply the Act only to a few classes of village officers in ~~some~~ and therefore actually levy the Cess at a much lower rate than 1 anna.

(D) This is added because to provide for the disbursement of village officers pay ~~in some months~~ I think may be found the Act should be necessary to provide for the payment in itself not only for the collection of the village Cess but also for its determination. I have seen some of the different rates of the village Cess. Some are fixed for payment of the Land Cess. I don't think this is unnecessary for the fund will be a low fund. So far as it is used it will multiply the rate & be inconvenient both for the Govt & the collector.

for the levy of land cess in Secs 73-76 of the said Local Boards Act amended as aforesaid.

"Provided that for the payment of the Cess under this Act it shall be competent for the Collector with the sanction of the Board of Revenue to fix either generally for all estates in the district or specially for particular Estates such dates and such instalments other than those fixed for payment of the land cess aforesaid, as he may deem fit."

(3) But if the Act is to be complete in itself, it will be necessary to provide for the collection of the Cess which is what Secs 15-18 now provide for but also for its determination which will require provisions corresponding to Secs 64-71 of the Local Boards Act.

It

It is thought that in this case the following provisions will be necessary in place of § 16 proposed above.

§ 16¹ The annual rent value aforesaid shall be calculated in the following manner.

(i) In the case of lands paying full rent, the annual rent payable to the proprietor by his tenants together with any water rate which may be payable for their irrigation shall be taken to be the annual rent value of the lands held by such tenants.

Where the lands are occupied by the proprietor himself or by any person holding the same from him free of rent, or at a favorable rent, the annual rent value shall be taken to be the rent ordinarily payable to the proprietor for lands of similar quality leased out

It corresponds to sec. 64 of the Local B^y Act (E 7 87) as amended by Act II of 1880.

This seems to me correct

28

21

out by him in the neighbourhood; together with any water rate which may be payable for the irrigation of the lands so occupied by the owner himself or by any person holding the same from him as aforesaid.

(ii) Where rent is paid in kind the annual rent value shall be calculated according to the rates of rent established or paid for neighbouring lands of a similar description and quality to which shall be added the water rate payable for the irrigation of the lands of which the rent is paid in kind.

Provided that where any proprietor has been permitted by the collector under the provisions of clause IV sec 11 of the Madras Act VIII of 1865, to increase his rent in consequence of any payment by way of water rate made by him to Govt, the annual rent

rent value shall be the balance remaining after deducting such increase of rent up to the amount of water rate from the sum as ascertained as aforesaid.

(iii) In the case of lands held by under a ryotwari settlement the assessment payable to Government for the lands together with any water rate which may be payable for their irrigation shall be taken to be the annual rent value of such lands;

iv In the case of inam lands or lands held wholly or partially free of assessment the full assessment which such lands would bear if they were not inam together with any water rate which may be payable for their irrigation shall be taken to be the annual rent value, and such full assessment and water rate shall

* Should be better to say in for water rent or just water is paid direct to Govt. + add in and. 1/2 of water in Govt. 2/2

(iii) and (iv) below are inserted to provide that they are to be for the lands dealt with in the Ryotwari Comm. & under 200 or Sec. 13 of the Act. It is suggested that these lands should also pay the village cess as in the case of Govt. villages. (G.O. 26-4-61 No. 238-4-61)

This will provide for the Lakhari and Govt. lands in the form of Permanent Revenue at page 97 of the Hyderabad Revenue Code.

Correspondence to Sec. 65 of Act 2 of 84

For these sections a reference to the Local Board Act is all that is needed. Sec 65 of the L.A. Act is not needed

SH

Sec. 66 of Act 2 of 84

Sec. 67 of Act 2 of 84

See above 25

shall be determined by the Collector of the district under the general orders of the Board of Revenue.

3 The Collector may require every proprietor within the district to furnish him with an accurate list of the lands held by him whether occupied by tenants or by himself, specifying in each case the annual rent value of the lands so occupied, exclusive of the water rate, if any payable by his tenants direct to Government.

4 If the Collector is satisfied with the list furnished by a proprietor in compliance with a requisition made under the last preceding section, he shall assess such proprietor according to such list for the cess due in respect of the ^{rent} value as aforesaid.

5 If any proprietor shall neglect to comply with

a

a requisition made under
Sec. within two months
after requisition made
in the District Gazette
or otherwise, such
proprietor shall be lia-
ble to a fine not exceed-
ing Rupees fifty for
each day's delay, until
the list be furnished or
until the annual rent
value on which the proprie-
tor is assessable to the
cess shall have been fixed
by the Collector, as pro-
vided in the next fol-
lowing section.

§³ If no such list be
furnished by any pro-
prietor within one
month from the expi-
ration of the two months
aforesaid, the Collector
of the district shall
himself fix the an-
nual rent value afores-
aid.

§⁴ The collector of the
District may take
steps in the manner
provided

The amount of such fine
shall be fixed by the Sec. 68 of 1869
Collector of the district
and shall be recoverable as
an amount of cess.

See above
29

Sec. 69

This Section does not
seem to be required now
that Reg XXIX of 1802
is now repealed
29

Sec. 70
1854

See above
29

Sec. 71

See above
29

provided by Madras Act
III of 1869 for ascertaining
the correctness of any list
furnished in compliance
with a requisition made
under section or where
such lists shall not have
been furnished, for fixing
the annual rent value
provided in the last pre-
ceding section and he may
depute any of his officers
to make such inquiries
as may be necessary.

§² If after due inquiry
the Collector is dissat-
isfied with any list fur-
nished to him as afores-
said, he shall amend
the same and shall supply
such proprietor with a
copy of such amended
list, which shall be
taken to contain the
annual rent value on
which the proprietors
be assessable as aforesaid.

§³ An appeal shall lie
to the Board of Revenue
from the decision of
Collector

Collection under the last preceding section, Provided that such appeal be preferred within three months from the date of the Collector's decision"

The order made on such appeal shall be final"

1. The cess due in respect of the annual net value of lands held by him as owner, exclusive of the amount of such cess, if any, payable by his tenants as hereinafter provided."

And if such lands are occupied by tenants paying water rate direct to Govt, such tenants shall pay to the Collector together with the water rate, the cess due on the amount of such water rate"

by him"

3. (1) Where land comprised within

The time allowed in the Local Board Act is 6 months, & I don't see why it should be reduced

Sec. 157

(2) In decisions No. 176 for the year 1895-96 made under Sec. 157 of Act No. 1 of 1894 effect of the 1895-96 Act

25

25

2 - But the amount of land

How can a man be let under a ryotwari settlement or in a village? exists in an estate?

Nothing need be said as to what settlement is held under the material fact is that they pay direct to Govt & pay into revenue direct to Govt

Some proprietors may request to be relieved of the responsibility of collecting the cess & the duty of the Govt & the propriety of assessment in the Govt to be imposed by the Govt in return the Govt may be asked to pay under Sec. 157

Section 157 does not appear to require at all. Clause II of this section I am to leave the Govt

See note above about Govt Council

It is thought that the 10 p.c. allowance may be made in this case also. Yes, but Govt may assume the right to collect.

if collected on Govt's behalf

within the limits of an estate is held under a ryotwari settlement or in a village. Such land holder pays the assessment or water rate due on such land direct to Govt, such land holder shall pay to the Collector together with the assessment or water rate the cess due on the annual net value of such land, and such cess shall be recoverable as arrears of land revenue. (ii) Where the assessment or water rate due by such land holder as aforesaid is collected by the proprietor of the estate such proprietor shall collect also the cess due as aforesaid by such land holder and pay it to the Collector of the District in the same manner as the said assessment or water rate is paid. Provided that the proprietor shall be entitled to a deduction of 10 per cent of such cess by way of compensation for such collection and payment.

30 See — (2) his and other blanks will be filled up when it is definitely settled what sections will be retained

30½: [vide note on pages 28a, 28b, 28c, 28d]

31 or the case referred to in clause 11 of the last preceding section

32 "permanently settled" Sec. 17

33 "by him"

34 "as aforesaid" Sec. 18

35 "or a tenant shall have failed to pay either in whole or in part the cess due by him on the whole rate payable direct by him to Govt in respect of lands occupied by him"

36 "Proprietary Estates" Sec. 19(1) Village service

37 "to which this Act has been extended and such other village officers therein as have been brought within the scope of this Act"

38

Please see para. 30½ on page 28

The quit-rent and assessment referred to here are land revenue only and are therefore recoverable under Act II of 1864. Hence apparently the provision in the corresponding sec. 16, of the Select Committee Bill that the proprietor shall have in the question of the assessment aforesaid the powers of a landlord under Act II of '64.

The B^d must have thought that it is undesirable to give the proprietor this power. But if the proprietor is not to have this power, would it not be best to change the 'shall' of sec 14 into 'may' and omit the words "or the quit-rent referred to in sec. 12" from sec. 16.

If this were done the provision for the realization of the quit-rent of this Act would be similar to the arrangement

But as why they should not have the power of VIII of 65 this can do no harm

was generally made for other quit-rents payable to Govt. on enfranchised man lands included within the limits of proprietary estates - The question of quit-rent is in these cases made over to the proprietor with a 10 per cent allowance, but if the landlords refuse to pay to the proprietor, Act II of 1864 is put in force against the landlords by Govt. officers, it having been held that the proprietor cannot ^{under the existing laws} proceed against the landlord under Act VIII of 1865.

As the sections stand at present it is not clear what the procedure will be (1) When the proprietor refuses to collect the quit-rent - no penalty is prescribed; (2) When ^{he} proceeds ^{under Act VIII of 1865} but finds he cannot recover - could Govt. then ^{proceed under Act II of '64} against the quit-rent landholder. It is not clear how both these Acts can be put

This is so as the law now stands but the legislature can give the proprietor power to recover arrears of quit-rent, assessment, water tax & cess payable thereon & arrears of rent as proposed in the Bill of 1865 as we drafted. This is a simple solution of the difficulty & if such power is given by the Bill enactment there will be no longer be any question as to the mode of recovery which will be no more than that of 1864.

No, but Govt must collect

Only one will be put in force; but there is nothing to prevent both being put in force: both are applicable

- A = Payable to the Proprietor
- 1. Rent payable by tenants
 - 2. portion of cess payable by tenants
 - 3. - - -
- B = Payable to Govt.
- 1. Pithurish & by Proprietors
 - 2. water rate
 - 3. Quit-rent
 - 4. Assessment of resumed lands
 - 5. Cess payable on 2, 3 & 4.
- ~~Proprietor's principle~~
~~Landlord's principle~~
~~Government's principle~~
- # This is now the procedure in regard to quit-rent and the land cess payable by quit-rent landlords. - B.P. of 14-10-80 no. 15124

put into force against the landlord.

It is submitted that a broad distinction may be maintained between what ~~is~~ ^{the former} is payable to the proprietor (call it, A) and what is payable to Govt. (call it B); that the former (A) alone be considered as recoverable under Act VIII of 1865; that if the proprietor undertakes to collect any item of B he may be granted 10 per cent deduction for the trouble of collection, but that when any portion of the item remains unrecovered, Act II of 1864 shall be put in force by Govt. Officers. #

If the above suggestion is approved the ^{only} ~~necessary~~ alterations ^{to} will be made ~~in~~ ⁱⁿ will be the two already suggested, namely (1) to replace the word shall in sec. 14 by the word "may"

(2) to omit June Sec. 16
the words "or the quit
rent refused to in
Sec. 18"; and the
following:

(3) to omit the addition
proposed in para. 31.

(4) to add at the end
of § clause (ii) of the
section proposed in
para. 29 the following
additional proviso:

"Provided also that
the cess aforesaid shall
also be recoverable as
arrear of land revenue"

by whom? Is it necessary
to give for them power to
recover it under Act of
1864 as it is to be recoverable
by the land revenue
officer and to be paid
by proprietors to whom
a cess is levied.

I am sure this proviso only
relates to the cess & the
cess I put in, as it is
to be collected by
the proprietors & wholly
for use this revenue is
provided for. The best plan
is to expressly declare that
the cess is to be collected
by proprietors & to be
recoverable as arrear of land

29

385- It shall be unlawful
for any village officer re-
munerated as aforesaid,
on any pretext, to demand
Collect or receive on any
estate to which this Act
has been extended any fee,
contribution, or allowance
as being customarily due
and payable on account of
the remuneration of such
village officer, except as
expressly provided and
authorised by this Act.
All such fees contributions
and allowances by whatever
denomination they may be
called shall absolutely
cease and determine from
the date from which the said
village officers' ^{salary is} remuneration
declared to be payable
~~is to be payable~~ from
the ~~aforesaid~~ ^{aforesaid} fund any provi-
sion or declaration in
Regulation VI of 1831 of the
Madras Code to the contrary
notwithstanding.
In cases in which such
illegal demand, collection,
or receipt as aforesaid
does

does not amount to the offence of cheating or extortion as defined in the Indian Penal Code, the offender shall on conviction be liable with fine not exceeding one hundred rupees recoverable by distress and commutable if not paid to imprisonment of either description not exceeding four months.

38 1/2
39 Omit:

40 [The term "inquiry" is not defined in the Act and it seems unnecessary that the rules laid down in this section should be followed in every inquiry under this Act, seeing that every proceeding under the rules framed under Sec 25 of the Act may give rise to an inquiry.

It is suggested that the procedure laid down in this section may be limited

For orders as to whether a district provision should be inserted prohibiting village officers from continuing to enjoy any function of the village.

Sec-20 25
Sec-21(1). The term "inquiry" is not defined in the Act and it seems unnecessary that the rules laid down in this section should be followed in every inquiry under this Act, seeing that every proceeding under the rules framed under Sec 25 of the Act may give rise to an inquiry.

No provision of law is necessary in this section. It is suggested that the term "inquiry" should be defined in the Act. It is suggested that the term "inquiry" should be defined in the Act. It is suggested that the term "inquiry" should be defined in the Act.

This was previously that was intended.

limited to inquiries "regarding the conduct of Village officers or claims to Village offices or to the emoluments annexed thereto".

Sec. 22(1). 41. "Section 21"

Sec. 23. 42. Omit.

Sec. 25. 43. "and other village establishments".

44. "other Village officers"

45. Officers

46. Insert: "the duties of the several Village officers"

47.

Sec-24. The term "inquiry" is not defined in the Act and it seems unnecessary that the rules laid down in this section should be followed in every inquiry under this Act, seeing that every proceeding under the rules framed under Sec 25 of the Act may give rise to an inquiry.

The principle is the same as in the case of the Village Officers. It is suggested that the term "inquiry" should be defined in the Act. It is suggested that the term "inquiry" should be defined in the Act. It is suggested that the term "inquiry" should be defined in the Act.

47. Omik as being covered by No 40 above.

48. Omik:

49. "and other village officers"

50. Substitute - to Court of Civil jurisdiction shall have authority to take into consideration or decide any claim to the enjoyment of any portion of the fund constituted under this Act or any question regarding liability to the quit-rent, as assessment or cess imposed under this Act or regarding the rate thereof

51. "and other village officers"

There is some risk here. Sec 20 of the Act has been struck out & clause 2. Sec 25 is becoming to be put in the place of the one struck out. As to the clause has no bearing on the question. Ch

28

42

44

49

[52: vide para. 16. supra:
The denial to the proprietors of any power over their village officers is a step which the Govt. is deliberately taking. It is however respectfully submitted that unless at the same time an efficient agency is constituted for the supervision of the work of these officers, it should not be a surprise if most of them become after the new Act comes into force regular nuisances in their villages. It has only to be remembered what tricks the Kaminars are capable of even in Govt. villages whose every account prepared by them comes under systematic supervision and checks in many ways. The bulk of the accounts prepared by Kaminars is ~~not~~ intended to help the proprietors and their

tenants in their mutual relations; but it remains to be seen how far these accounts would, under the new system, prove helps or hindrances to the proprietors in the administration of their estates.

53rd Reference is solicited in this connection to the Hon. Mr. Grove's note at page 27 of the 'note for orders', in which the Dewan of Malabar is stated to have written in a private note as follows:

Canst some means be devised by which the Zamindars may be saved from the tyranny of the Karmans. --- The default arises from the conduct of the Karmans whom I cannot punish. What it is to go against them to the Civil Court, I need not tell you. It may well be doubted whether the state of affairs will be improved by

+ Please see page 16 before

In your note Mr. Galt has said that the more facts that we get about Karmans the better it will be for the Civil Court. I am sure that all will be well.

They will surely agree whether the proprietors will be the losers or the gainers if a gain that will be lost to pay. They have the divisional Court of Appeal for appeals from the District Court & the only other officer to complain to in improving the present state of the Civil Court. State of Affairs is to place the village officers under the District Officers & keep a sharp look out on them as far as we can. To which much success has been achieved by the District Officer to complain to the District Officer then to bring a suit before the Court & then on to a great benefit.

under the proposed legislation. Hon. Mr. Grove has 23/9 remarks in confirmation that "an immediate remedy seems to be required for the evils which have been before God. again and again both as regards the interests of the state and the interests of the proprietors; but the proprietors may complain of the Bill as it now stands that not only nothing has been done to strengthen their hands but everything to weaken their power.

It remains to be seen whether the proprietors will be the losers or the gainers if a gain that will be lost to pay. They have the divisional Court of Appeal for appeals from the District Court & the only other officer to complain to in improving the present state of the Civil Court. State of Affairs is to place the village officers under the District Officers & keep a sharp look out on them as far as we can. To which much success has been achieved by the District Officer to complain to the District Officer then to bring a suit before the Court & then on to a great benefit.

If complaints are promptly heard & the village officers punished for their misdeeds the state of affairs will be improved.



Appendix to draft

C.O. on C. no. 174/1897

The Luminous Kormann
Bill.

The letter in the question
suggestion may be
adopted

I would rather the notes
were fixed at the same
amount as in the
villages

HS 12/11

23
Note for the Secretary

Attention is invited
to the following points:

(1) The House Members
have not agreed as to
the concluding position
of para. 9 of the draft
C.O. on C. no. 174/1897

(2) In the Bill sub-
mitted by the B. of P.
the italicized words
were intended to show
the amendments made
by the B. of P. as compared
with the Bill proposed
by the Select Committee
in 1897. These words
need not be printed
in italics in the copy
as announced by G.O.

(3) See 8 of the Bill:
It is submitted for
consideration whether
instead of the words
"punishment and
li-

and the remainder of
the Hon. Member is at page
27. Though as determined
by the Hon. Mr. Growse the
material fact is that pay-
ment is made direct to
Govt. the section is in-
tended to cover ^{also} ~~all~~ those
cases in which the
~~only~~ ^{no} payment is made
to Govt. ^{except, occasionally} for water-rate,
as in the case of religious
inam held free of
any assessment.

The form now proposed
will cover all cases.

Robert Ruptonville

R. V. S.
11/12

Clause IV may stand.

R. W.
92.

note for the Secretary

(C no. 174 71882)

NOTE FOR THE SECRETARY.

17/2/91
 Re. The Hon. Mr.
 Garstin's remark on
 sec. 13(ii) of the Bill.

Possibly he refers
 to the position of the
 word "which" which
 stands for

the annual rent value.

It may be an
 improvement to insert
 a semi-colon after the
 word "quality". Yes.

The Secy. may have
 noticed that the clause
 mainly puts together
 sec. 64(IV) of Act I
 of 1887 (Madras) and
 the addition thereto
 enacted in sec. 1(3) of
 Madras Act III of 1890.

I see no section is
 R.V.L. exactly the same as the
 167 similar section in the
 Madras Act III of 1890.