

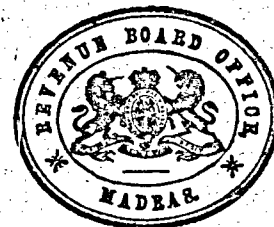
MADRAS RECORD OFFICE.

Government of Madras.

REVENUE DEPARTMENT.

G.O. No. 285	Press Mis.
ORIGINAL.	
Dated 10. 6.	1891 19-

Not to be folded or roughly handled



Proceedings of the Board of Revenue
(Land Revenue).

Dated 6th March 1891,

No. 1463 ^{Mis.} Routine.

Honorable J. Crook

READ Letter from A. J. Arundell Esquire Collector of Kistna District dated 31-1-91 No. 939.

Resolution

The Board understands Government to mean ^{that} while it is prepared to forego its own revenue in the ordinary assessment of Ryotwari land it will not out of its pocket compensate Zamindars and Inamdars for loss of freshkush and quitrent sustained by them at the hands of Local Boards and municipalities.

(One Extract)

Secretary

To

The Collector of Kistna
Copy to Secretary to Government R. D. ✓
with papers to in original to be returned

Informing letter of Krishna
that Government will not com-
pensate landowners and zemlan-
dars for the loss of quit-rent and
Rishcumi sustained by them at
the hands of Local Boards &
Municipalities

FOR ORDERS. 12/23/31 Schmetz 20

I cannot extract any meaning
at the time the Board ^{wounded} ~~hesitated~~ to say the least of it, and does not
time. it is the most ex. answer the Collector's query in point
to ordinary explanation I & 4 of his letter. It may be pointed
over sent.

Yes - it is completely handwritten that L.O. of 22nd September 1897
No 756 was intended to modify
L.O. of 22nd September 1897

I had no money in the machine
 all the difference in
 100

I think so
 L.H.

sent to the Hon: W. S. K.

don't see any essential difference
between Jeskumsh or Guil and other
mythical creatures. The first two are common
the latter compounded & reduced respecting
the Occasional Land is given to the public or
land, but not the same as much
as in the case of mining or mining land
subject to Guil rent.
I think the two of p. 50 No 55 is wrong.
What Govt say is - you say that no
business rights to be derived from land
derived to certain public purposes and
we also therefore forego any revenue

is entitled to a refund of Rs 11
improperly levied from him; the
amount, however, cannot be recovered
from the Municipality as L.O. of
22nd September 1890 no 756 cannot
be applied with retrospective effect.

For order as to whether the
Municipality is to be called upon
to pay the quit rent in future
to redeem it by a lump
payment of its capitalized
(value). If the case had come
up for order when the land was
acquired the Govt would have
accepted the loss of quit rent
I made no demand on the Municipality;
and it is doubtful whether the
delay of 5 years in the settlement
the case should make any
difference so far as the Municipality
concerned.

FOR ORDERS.

Of course a refund must
be granted. & I suppose the
Municipality must now
be called upon to pay.

CL
13/3

Yes a refund must be granted
& I don't think the Municipality
can be called upon to pay retrospectively.
Ging -

Yes. I think so
Ing

* But though we recognize the obligation
to those who have to furnish land
holders of the kind, from all of them
connected with them. Where therefore the
taking up of any land for public use, or
any other involves anything beyond the
acquisition of fresh land quit rent or other
concession, local bodies must pay.
They must pay the value of the land
and to the Government and in some
cases, to the market value of the
land to the tenant's benefit.

W. 22. 11. 1891

I agree with the Hon. Mr. Stokes
it appears to me that in the J.O.
April 3. 1889 - no. 259 para. 4.
"quit rent" should have been
along with "assessment" a "quit rent"
and that this should be stated in the
order that was

There is a difference between
land revenue derived from land
- and - and revenue derived from
system holdings. But on no point
land revenue but while the 2
forms are fixed & permanent
liable to no fluctuations the
latter is a more or less fluctuating
character, being based on the
principles of gathering off the crops -
that if there is no crop, there is
no revenue demanded.
Hence the fluctuation of revenue
being assessed land to public
bodies is a matter of more
importance financially to the
State than that of revenue
land - & its alienation
should be more carefully dealt
with. If the whole Presidency
has permanently settled the
transfer of any part of
"permanent" for a living ground
is to be a permanent loss of
revenue - but as matters
stand it is generally not
so. & it is doubtful whether
in the present state of things
of land to a public body or
for a public purpose will be
allowed without the loss of
revenue being made good.
It is rather a fair play
ment to say that land that
has been for many years
used to support a permanent
of revenue for the Govt. Body
of revenue for the Govt. Body
it is a fair play to say

Attention is invited to
the letter for order dated
22nd Sept/90
nos 756 & 758. E.
precisely to the last letter
stated with the latter
order marked with an
asterisk. - The question
whether reduction of price
asked or quit rent should
be known or account of
Government or how land
taken up by a local body
or municipality for a pur-
pose for which exemption
from assessment with
part of the land area
My theory was fully dis-
proved and I do not
think that I can add
anything to the arguments
brought forward before.
I venture however to repeat
fully to repeat a recom-
mendation of Rs 756
as a - I see how any
distinction can be made

should not be used.

required at the expense of
 the local bodies requiring
 them. Accordingly in the
 case of Zemindars or Inam
 lands the local bodies will
 not only have to acquire
 at their own cost the
 rights of tenants in the
 land, if any, but will have
 also to compensate the
 Zemindar or Inamdar
 for the net value of the
 proprietary right. It is
 only to the extent of the
 proportionate peishwah
 or quit-rent on the lands
 taken up that the Govt.
 will allow a reduc-
 tion in the permanently
 settled revenue payable by the
 Zemindar or Inamdar.
 3. The reductions of peishwah
 sanctioned in G.O. 22-9-90
 nos 5-6 should be amended
 in accordance with the
 principle laid down above.

fruit of
 per cent of 9
 Chs 189 20791

Draft 8.2

Re: grant of land to
 local boards & muni-
 cipalities.

G.O. 10 April 1891, no. 285

The Hon. Secy to Govt.
 for information.

10TH APRIL 1891, No. 285, REVENUE.

GOVERNMENT OF MADRAS.
 REVENUE DEPARTMENT.

READ—again G.O., dated 3rd April 1889, No. 259, Revenue.

READ—again G.O., dated 22nd September 1890, No. 756, Revenue.

READ—also the following Proceedings of the Board of Revenue (Land Revenue),
 dated 6th March 1891, No. 1463, Mis.:—

THE HON. J. GROSE.

Read—the following letter from A. T. ARUNDEL, Esq., Collector of the Kistna
 District, to the Secretary to the Commissioners of Land Revenue, dated
 Masulipatam, 31st January 1891, No. 939:—

I have the honour to enquire whether the effect of G.O., dated 22nd September
 1890, No. 756, Revenue, embodied in Board's Proceedings, dated 31st October 1890,
 No. 662 (Land Revenue), is to modify G.O., dated 3rd April 1889, No. 259, Revenue,
 with regard to burial grounds, roads, latrines, public wells, &c., or whether lands
 required for these purposes can now be made over to local bodies free of assessment as
 long as they are used for such purposes.

2. In paragraph 7 of G.O., No. 259, Revenue, dated 3rd April 1889, one of the
 cases is that of lands purchased by the Adoni Municipality for a burial ground, and
 it is declared that they will be exempt from assessment so long as used for that
 purpose. There appears to be no difference between ordinarily assessed lands and
 inams or zemin land except that in the latter case the revenue foregone is less than
 in the former.

3. In all cases outside the jurisdiction of Municipalities and Local Boards, the
 rules provide for the conversion of assessed lands into poramboke for village site, burial
 grounds and the like, and the Government Order quoted above confirms the principle
 for the local councils. The wording of G.O., No. 756, Revenue, dated 22nd September
 1890, appears to call the principle in question, as it does not limit the application
 to those cases in which the land granted—e.g., the gravel quarry—is a source of profit
 to the Local Board or Council.

4. I enclose copy of a reference from the Acting Sub-Collector regarding the
 case of an inam purchased by the Guntur Municipal Council for a burial ground.
 Under G.O., No. 259, dated 3rd April 1889, the quit-rent should be cancelled. I doubt
 whether the subsequent Government Order was intended to modify that order, and beg
 for instructions.

10/4
 To the Secy to Govt.
 for information.

ENCLOSURES.

From G. CAMPBELL, Esq., Acting Sub-Collector of the Kistna District, to the Collector of the Kistna District, dated Guntur, 30th December 1890, No. 6167.

The Guntur Municipality purchased acres 2-21 of inam land from Potturi Kalidas of Guntur about 5 years ago for use as a burial-ground. It is chargeable with quit-rent, Rs. 2-1-10, and land and village cesses, Rs. 0-10-2 (total Rs. 2-12-0), which has all along been collected from the original inamdar. This year he protested against the recovery of that amount by the attachment of his moveable property. The Chairman of the Guntur Municipality claims exemption from the charge under G.O., dated 11th May 1889, No. 1053-L.

I have classed the amount due for fasli 1299 as irrecoverable, as the Municipality is entitled to hold the land free.

I request that formal sanction may be obtained for the alienation of the inam land to Municipal Council free of all liability to Government dues.

A statement in the prescribed form is enclosed for conversion of the land to poramboke from ayan.

STATEMENT showing the lands required to be transferred from the head of "Ayan" to "Poramboke" in the Kistna district.

Taluk.	Village.	Number of the survey field.	Extent.	Assessment.	Portion requiring to be transferred to poramboke.	Assessment.
Guntur	Guntur ..	467	ACS. 17-8	RS. A. P. 42 11 0	ACS. 2-21	RS. A. P. 2 1 10 quit-rent.

Resolution—dated 6th March 1891, No. 463, Mis.

The Board understands Government to mean that, while it is prepared to forego its own revenue, *i.e.*, the ordinary assessment of ryotwari land, it will not, out of its own pocket, compensate zemindars and inamdars for loss of peishcush and quit-rent sustained by them at the hands of Local Boards and Municipalities.

(A true Extract.)

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

To the Collector of the Kistna District.

Copy to the Secretary to Government, Revenue Department,
with papers, in original, to be returned.

ORDER—dated 10th April 1891, No. 285, Revenue.

Land Revenue, No. 18.

On reconsideration, His Excellency in Council is pleased to declare, in modification of G.O., dated 22nd September 1890, No. 756, that the rule of exemption laid down in paragraph 4 of G.O., dated 3rd April 1889, No. 259, shall apply to all lands taken up by Municipal and Local Boards, whether ryotwari, inam or zemindari.

2. This exemption extends only to the revenue payable to Government. All private rights in the lands must be acquired at the expense of the local bodies requiring them. Accordingly, in the case of zemindari or inam lands, the local bodies will not only have to acquire at their own cost the rights of tenants in the lands, if any, but will have also to compensate the zemindar or inamdar for the net value of the proprietary

right. It is only to the extent of the proportionate peishcush or quit-rent on the lands taken up that the Government will allow a reduction in the permanently settled revenue payable by the zemindar or inamdar.

3. The reductions of peishcush sanctioned in G.O., dated 22nd September 1890, No. 756, should be amended in accordance with the principle laid down above.

(True Extract.)

Secretary to Government.

To the Board of Revenue (Land Revenue), with three enclosures.
„ the Local and Municipal Department.
„ the Financial Department.
„ the Accountant-General.

Exd. A. Aubert.

65 Copies.

original

Gobt. of {1891} Madras.
REVENUE.

—

Issued

Recd.

Encl.

G.O., 10th April 1891, No. 285.

APRIL.

Lands taken up by Municipalities
and Local Boards.

Declaring that the rule in paragraph 4 of G.O. No. 259 of 1889 regarding exemption from payment of assessment of — applies to all lands, whether ryotwari, inam or zemindari, and that this exemption extends only to revenue payable to Government.

8-4-13 ✓
5-4-11 ✓
2-4-12 ✓
1-6-12 ✓
27-5-13 ✓
24-3-16 ✓
18-2-15 ✓
20-4-18 ✓
6-5-19 ✓
2-8-18 ✓
6-12-12 ✓