

Revenue

GO. NO. 10/0 X A dt 30.9.892

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30TH SEPTEMBER 1892, Nos. 1010, 1910 A, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., dated 17th March 1891, No. 212, Revenue.

ABSTRACT—*Season in Chingleput.*—Ordering that minor irrigation works should be put in hand at once in Tirupórá and Acharavakkam firkas, and stating that orders will issue in the Public Works Department for the immediate commencement of two more large works in Ponnéri and Tiruvallúr taluks, and desiring to have the Collector's report as to the easy means of amelioration of the condition of the Pariahs.

READ—also the following papers:—

Memorial of the Madras Missionary Conference, to His Excellency the Right Honorable the Governor of Fort St. George, dated—May 1891.

That your memorialists are missionaries residing in the City and Presidency of Madras and are acquainted with the condition of the Pariahs and other low castes and are deeply interested in their welfare.

That, according to the census of 1881, the Pariahs numbered 4,439,253 or nearly four and-a-half millions, and other low castes, indicated by the heading "others, including 'not stated,' &c.," numbered 2,811,841 or nearly three millions. If to these figures be added the average rate of increase reported by the census of 1891, they may be regarded as representing a total of nine millions, or twenty-five per cent. of the population of the Madras Presidency.

That the whole of these peoples stand entirely apart from the other Hindu castes, who regard contact with them as pollution and who have for many centuries despised and degraded them.

While your memorialists would call attention to the generally miserable condition of the whole of these peoples, especially of the aborigines and nomadic tribes of the Presidency, they desire in particular to refer to the Pariahs who are by far the largest and most important section of the low castes. The Pariahs are found in all the districts of the Presidency, and the hard work of the country falls to their lot. In villages on the sea-board, groups of them divide the harvest of the sea with the *pattinavar*, the hereditary fisherman and dweller on the shore; they are also the coolies and dray horses of our towns, and some of them find employment on railways and public works; but from time immemorial the great bulk of them have been connected with the land, and they are still so connected as hinds and laborers, the underlings of the other castes.

Your memorialists thankfully acknowledge that Englishmen, from their first arrival in India until now, have steadfastly befriended the low castes of the country, and that representatives alike of the East India Company and the British Government have held fast the principle that slavery should have no place in India under British rule, nor can they forget that in 1860 Government formally declared slavery illegal by the Indian Penal Code. Since that time, the sympathetic references which have appeared in many Government and official records and the special provisions made in the Grant-in-Aid Code for the low castes assure your memorialists that the attitude of Government towards the "depressed castes" continues unchanged. Your memorialists are therefore encouraged to ask for a further and special intervention of Government on behalf of the Pariah community.

As a reason for their request, your memorialists would crave permission to mention a few facts in illustration of the present condition of the Pariah community. The facts which they mention are well-known to Government officials and to all

who have had opportunities of acquiring knowledge concerning the low castes, and are as follows, viz. :—

(a) Though Government has proclaimed slavery to be illegal, many Pariahs are living in practical slavery. In defiance of the Indian Penal Code, mirasidars induce Pariahs to sign documents surrendering the liberty of themselves and children and thereby becoming their actual slaves. These slaves are found in more than one district.

(b) A considerable section of the Pariahs cannot find sufficient employment and on this account suffer greatly from want of food and increase the difficulties of relatives who are themselves over-burdened and under-fed. The Census Report of 1881 (*vide* vol. I, page 162) shows that this section includes upwards of ten per cent. of the Pariah community, or nearly six hundred thousand persons. These may be described as the paupers of a well-nigh pauper community; for even in ordinary years, when the rainfall is not deficient, a large section of the Pariahs does not obtain necessary and proper food.

(c) The Pariahs experience frequent and manifold injustice at the hands of the higher castes. The full amount of wages justly due to them is not paid. They are coaxed or compelled to sign documents giving their consent to unjust demands, the real nature of which they do not know because they cannot read. Their property is illegally seized for alleged debt. They are pitilessly rack-rented as sub-tenants and must submit to it, for they cannot find other work nor another home. Though Collectors generally favour the view that Pariah sub-tenants by lengthened occupancy and due payment of kist and *swatantra* are not liable to eviction, District Munsifs' courts decide against the Pariah and the power of eviction thus bestowed places the Pariah more completely in the hands of the mirasidar.

(d) They are the victims of much vexatious and unnecessary litigation. Their testimony is practically regarded as worthless compared with that of their oppressors. The courts pronounce against them; they cannot pay costs; hence documents are written in which the costs stand as debts at interest due to the mirasidars.

(e) The present state of the laws relating to waste lands and the opposition of village officials, mirasidars and the higher castes generally make their efforts to obtain and hold such lands direct from Government costly and futile, and generally, at least in the southern districts, their efforts to gain an independent footing as pattadars are vigorously resented.

(f) In many villages, the mirasidars claim as their own the sites on which the houses of the Pariahs are built and this claim makes intimidation easy and serves to irritate and depress. The mirasidars systematically oppose the establishment of schools for the education of Pariah children. As a result of centuries of disability and oppression, the Pariahs have now sunk into a condition of helpless degradation, and the defects and vices of their social life give to their degradation a rigidity which makes all improvement appear hopeless if they continue to be left to themselves.

Your memorialists venture to hope that these facts, which are notorious, may form a sufficient reason for their request that Government specially intervene on behalf of the Pariah community. If additional reasons were required, your memorialists would point out the vitality, the industrious character, and the improvability of the Pariahs as a community. Though they have been for many centuries the slaves of other castes and still remain the victims of oppression, though they are the first victims of famine and epidemic, they not only survive but increase in numbers. Their industry and love of work have always been apparent. A hundred years ago, Dr. Francis Buchanan spoke of them as by "far the most hardy and laborious people of the country," and he bears witness to the esteem with which Mussalmans regarded them on this account. Testimony to their industrious character is also to be found in the District Manuals of the Presidency. Those Pariahs who have become Christians, and particularly their children, may be cited as illustrations of their improvability and the difference between Pariah pattadars and the rank and file of the Pariah community also illustrates this fact,

At present, they are chiefly of value to their masters; they are of little value to the State, or even to themselves, but under improved conditions they will become men and women conscious of human rights and of the inheritance of freedom which, though legally theirs, has remained unclaimed and unknown. If such conditions be provided, your memorialists confidently hope that these five millions will soon prove a strength to the Government which has befriended them. Your memorialists are well aware that the problem to which they ask the attention of Government is a large and difficult one and that time and education must necessarily play a great part in its solution. If the sections of Hindu society were mutually sympathetic much might be hoped from the kindly beneficence of the higher castes, but the laws (*Smriti*) by which these are still swayed and their conduct regulated do not permit the social advancement of the Pariahs, but sanction their depression and enslavement. This social antagonism by which Pariahs are hemmed in, added to their own helplessness, makes their advancement specially difficult and renders it necessary that Government should afford to them some such help as your memorialists proceed to indicate.

It appears to your memorialists that the Pariahs in their present defenceless condition stand in need of more protection from injustice than they now enjoy; that the illegal practice of agrestic slavery by means of written documents should be summarily dealt with; and that everywhere in villages they should possess house-sites in their own right. Your memorialists entirely endorse the statement of the Malabar District Manual, Vol. 1, p. 153, that "the slaves, as a caste, will never understand what real freedom means until measures are adopted to give them inalienable rights in the small orchards occupied by them as house-sites." Your memorialists have referred to the rack-renting of Pariah sub-tenants in villages. It has been the practice for village officials to collect the rents of these sub-tenants and also to distrain their property. Your memorialists are of opinion that this practice should be disallowed by Government as unjust and injurious to its own interests. Your memorialists are strongly of opinion that the Pariahs should be equally eligible with others for the obtaining of waste lands and that the right of pre-emption enjoyed by mirasidars should now cease. They are fully aware of existing rules and of what is urged on behalf of the preferential rights of mirasidars, but mirasidars' rights should not mean Pariahs' wrongs, nor should existing rules be permitted to hinder their social advancement. Sir Thomas Munro, in his able minute of 31st December 1824, remarks that "the Circar possesses by the usage of the country the absolute right of disposing of the waste as it pleases in villages which are miras as well as those which are not. In the Deccan, in miras villages the corporation has not the right of disposing of unoccupied land, but the Circar has." If by grants of land opportunity be given to Pariahs to gain something like independence and a firm social footing, this section having become better and stronger than the rest will be able to help the weak and the poor. Such an allotment of waste lands to Pariah pattadars would also be a financial gain to Government and create an increased demand for labour, so that a large proportion of Pariahs who are now unemployed should be able to find work to do.

The Indian Education Commission in its recommendations has laid particular stress on the education of the low castes and justly urges that every encouragement should be given to special schools for the education of such classes (*vide* Report, p. 517). Your memorialists strongly advise that Government make known its readiness to grant sites for Pariah village schools and forbid mirasidars and others from hindering their establishment by intimidation or oppression. They are also of opinion that further provisions of a special nature should be made in the Grant-in-Aid Code for the encouragement of schools for Pariahs, and that the attention of Local Fund Boards and Municipalities be directed to the educational needs of this community.

While stating their convictions regarding some of the forms which Government aid should assume, your memorialists are of opinion that steps should be taken by Government to ascertain fully and with exactness the condition of the Pariahs in the several districts of the Presidency, and they would request Government to appoint a commission to carry out such an inquiry and on the basis of facts thus

obtained to recommend to the consideration of Government certain measures for the amelioration of the condition of Pariahs.

In conclusion, your memorialists would express the hope that this subject affecting that large section of the population which is the weakest and poorest will receive at the hands of Government that prompt and practical attention which it truly merits and which they venture to believe Government desires to give.

And your petitioners will ever pray.

In the name and by the authority of the Madras Missionary Conference.

(Signed) J. COLVILLE PEATTIE,
Secretary.

Despatch from the Right Honorable Her Majesty's Secretary of State for India, to His Excellency the Right Honorable the Governor in Council, Fort St. George, dated India Office, London, 23rd July 1891, No. 7 (Revenue).

I forward, for the information of your Excellency's Government and for any inquiry or action you may think fit, copies of questions and answers* in the House of Commons concerning the depressed condition of the lower castes in the Chingleput district and their inability to obtain land for occupation even when waste land may be available.

* Question and answer for 25th June 1891.
" " " 7th July "

ENCLOSURE No. 1.

House of Commons Question, 25th June 1891.

Mr. Samuel Smith.—To ask the Under-Secretary of State for India, whether his attention has been drawn to the report of Mr. Tremeneere, the highest revenue official in the district in South India where the famine prevails, describing the condition of the poor people at Senneri, of whom he says that "their state is not appreciably lower than usual; a large proportion of them are always badly nourished, clad (if at all) in the vilest of rags;" and also states that they are suffering from disease and are living in wretched huts:

And, whether the Government of India are taking any steps in the matter.

Reply.—(1) The Secretary of State has not received the particular report cited, nor can he identify the name Senneri. Perhaps the name Ponneri is meant, which is the relief centre for one of the poorest parts of the Chingleput district. Owing to uncertainties of season, parts of Chingleput are decidedly poor. The fortnightly telegrams received from Madras show that constant effort is made to relieve distress in Chingleput, where over 7,000 people were receiving Government relief a fortnight ago.

(2) The Chingleput district is served by two railways from Madras; food can easily be brought thither. We must look to the progress of the country, the growth of other industries, and emigration to Burma for the gradual amelioration of the condition of people in Chingleput.

ENCLOSURE No. 2.

House of Commons Question, 7th July 1891.

Mr. Samuel Smith.—To ask the Under-Secretary of State for India, whether the attention of the Government has been drawn to the distress among the Pariahs, or low class agricultural population, of Chingleput:

Whether he can give any information regarding the amount of that distress, and whether their lamentable condition is chronic in its nature:

Whether any measures have been adopted by the Government of Madras to ameliorate their condition, in addition to what is being done to deal with the distress caused by the famine:

Whether the Government have appointed any commission to inquire into the distress:

And whether the low-caste population can acquire waste land for cultivation like the caste mirasidars or leaseholders.

Reply.—(1) The present distress has attracted the attention of the Madras Government to the condition of the poorer classes in Chingleput. A careful statistical survey is made of each district in Madras; the Chingleput district will be taken up soon and inquiry will be made into the condition of all classes of the people. At the inquiry of 1887-88 ("Condition of People"—papers laid on the table on the 21st June 1889) it was stated that Chingleput, owing to its infertile soil and to certain accidents of tenure, was among the most backward parts of the Madras Presidency.

(2) The report* on the inquiry of 1887-88 said "the mass of the (Chingleput) people, who are chiefly agriculturists, live from hand to mouth and in adverse seasons are seriously hampered. . . . The wages of an agricultural labourer's family are put at about Rs. 10 a month all told. The demand for all kinds of industrial labour, other than weavers' is increasing, while unskilled labour is, owing to the vicinity of Madras, everywhere better than it used to be."

* Madras Revenue Board's Proceedings, No. 366, of the 27th May 1888.

(3) No special measures for the general improvement of the Chingleput people have been undertaken beyond the repair of irrigation tanks and channels. Extensive measures have been undertaken and are being carried on for the relief of distress caused by the recent failure of rain.

(4) No.

(5) There is no bar, either of law or of practice, to low-caste people obtaining and cultivating available waste lands on the same terms as high-caste people.

Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), dated 19th August 1892, No. 584-A.

FULL BOARD.

Read—Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), dated 10th March 1891, No. 132.

ABSTRACT.—Reviewing further report from the Collector of Chingleput on prospects of season in the district.

Read—Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), dated 6th August 1891, No. 492.

ABSTRACT.—Submitting to Government skeleton report of the Collector of Chingleput about the condition of the Pariahs in that district and his proposals for the amelioration of their condition.

Read—the following letter from J. H. A. TREMENEERE, Esq., Collector of the Chingleput district, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, Madras, dated Saidapet, 5th October 1891, No. 1290:—

With reference to G.O., dated 17th March last, No. 212, Revenue, I have the honour to submit, in the accompanying note, my views upon ameliorating the condition of the Chingleput Pariahs.

ENCLOSURE.

NOTE ON THE PARIAHS OF CHINGLEPUT.

SECTION I.

Introductory.

In an official report I recently described the Pariah population of the Chingleput district as containing a large proportion of persons "always badly nourished; clad, if at all, in the vilest of rags; eaten up with leprosy or other horrible diseases; huddled like pigs; untaught; uncared for, and unpitied." I added that, in my opinion, there were certain easy means of amelioration. I now endeavour to set these forth.

SECTION II.

General Observations on the Degradation of Pariahs.

2. By the census of 1881, the Pariahs numbered 243,500, being 24.8 per cent. of the population of the district. "In times prior to British rule, the whole of the Pariah community, without exception, were the slaves of the superior

Manual of Administration,
II. 232.

castes. The British administration has freed this class as a community from the yoke of hereditary slavery and from the legal disabilities under which they suffered; but they still remain at a low depth of social degradation. . . . In religion they are . . . practically worshippers of village idols and demons."

3. "This people," *The Hindu* newspaper admits, "the leading classes of our society have done their best to degrade and sink. The position of the Pariahs is outside the pale of Hindu society; but they have looked to the higher classes as their guardians and masters, who, however, can assign to them no higher position than that of labourers of the lowest order, generally doing the meanest and the most repulsive work of the village or town. The Hindu religion recognizes no provision for their spiritual needs as indeed the Hindu industrial system allots to them no particular industry. The material as well as the spiritual well-being of the Pariahs has been from time immemorial outside the solicitude of the Hindu legislators and philanthropists. Indeed, the writer in the *Times* employs no exaggeration when he charges the Hindus as looking upon these despised people as an altogether inferior race of mankind."

4. Of late years, certain aspects of this wretchedness have several times been pointed out to Government. Mr. Lee Warner, the Collector, wrote in 1888: "The labourers are kept to a miserable plot, insufficient to turn in, from which they are summarily ousted if they happen to displease their masters"; and in 1889, "a large proportion of the population lives from hand to mouth, is badly housed, ill-clothed, and compelled to be satisfied with a nutriment far below the sufficiency diet agreed upon by doctors as a necessity of life."

5. In 1889, on a report from the Sub-Collector, the Board of Revenue considered "the facts adduced by Mr. Mullaly (to) show that the wages earned by the labouring class barely amount to subsistence wages, that they are compelled to live in overcrowded huts, that they have often to pay rent when Government intend them to live rent-free, and that they are compelled to give their labour for little or nothing at the order of the mirasidars."

6. In 1890, in passing orders on the question of village-sites, Government stated that various instances are forthcoming in which resident *porakudis** have been grossly oppressed under cover of the mirasidar's alleged rights.

7. I must reserve other illustrations of hardship or oppression until I shall have explained the circumstances of the district. Meanwhile, when to these extracts is added the late testimony of the Anglo-Indian Press (which I need not quote) I think sufficient justification may already have been shewn for an inquiry, whether the State can properly and usefully intervene.

SECTION III.

General Observations on the Chingleput District.

8. Parts of Chingleput, within a ride from the capital of the presidency, have been rightly described by a former Collector as among the most backward portions of the province. It has been contended that this is mainly due to the general poverty of the soil. The reply was anticipated in 1874 by Mr. Banbury, Second Member of the Board of Revenue, then directing the revenue settlement. "No doubt," he wrote, "the soil is inferior as a rule; but if this tract of country could by magic be transported into Cuddapah, and be filled by the hardworking race of those parts, matters would soon assume a more satisfactory appearance."

9. For it is easy to picture Chingleput. We have a district with a fair rainfall; with a soil excellently adapted for wells; traversed by a canal and two railways; tapped by a harbour; with an enormous market at its centre; and with a land-tax so moderate that an acre of irrigable land is taxed only 3.5 rupees against a presidency average of 4.6. This should be an Indian paradise.

10. Mr. Banbury attributed the poverty and the poor cultivation to three causes. Two of them were connected with the mirasi system; the third was the proximity of Madras. Madras cannot be transplanted; for the mirasi system, it is first necessary to explain what it is.

SECTION IV.

Explanation of the Mirasi System.

11. Anciently, the land-system in force throughout the greater part of the peninsula was that of joint-village-tenure, under which the land belonged jointly or in shares to the ryots, or "mirasidars," who were jointly responsible to

Government for the land-tax. They managed their internal affairs themselves, including the disposal of the waste, and were thus able to keep out all strangers except grantees of the Sovereign.

12. This communal system was found by the British at the end of the last century in various stages of disintegration. After being for a time accepted as a groundwork for revenue 'farms,' it was abandoned everywhere in favour of a settlement between the State and each individual ryot on the basis of his separate holding (ryotwar system). It followed naturally that the permission of the State became necessary for occupation of the waste.

13. Nevertheless, the favorable position of the ryot class, as compared with the traders, the labourers, and the other residents of the village, continued to be recognized in certain privileges, of which all but one have gradually disappeared. Board's Proceedings, No. 133, dated 16th January 1884, and G.O., No. 266, dated 26th February 1884. The exception survives in the preference shown to *pattadars* when the State has to decide between several applicants for an allotment from the arable waste. *Pattadars* are ryots who already own arable land, for which they hold *pattas* or notes showing location, extent and assessment; and no land is given to any other applicant till it has been offered to and refused by them.

14. Such is the general practice throughout the province, and in 181* villages of this district. * Most of them transferred from adjacent districts. In the rest of this district (1,292 villages) and in Tanjore, the representatives or assignees of the ancient shareholders have, along with the ancient name of *mirasidars*, retained the privilege in a stronger form or perhaps have developed it. A priority of claim to the arable waste is conceded to them, not only as against the traders, the labourers, and other such residents in the village, but even against other *pattadars*, if there should happen to be such, on the ground that the latter are not representatives or assignees of the ancient shareholders, but modern interlopers.

15. To put the contrast shortly, in non-mirasi villages the *pattadars* can claim to take up arable waste before all the world; in mirasi villages, the *mirasidars* enjoy this privilege, and it is only when they waive it, that it falls to the other *pattadars* (if there should happen to be any). Again, the mere *pattadar's* privilege is revocable by the State at will; the *mirasidar's* privilege has received the sanction of the courts.

16. To speak of Chingleput, sometimes the mirasi body consists of only one person, who is said to have the one share, or a single-enjoyment miras; sometimes there are two shares, and so on perhaps to sixty. It is possible that originally a mirasidar was a person who held one or more whole shares; but now the shares have become minutely sub-divided, and it would seem that the holder of a very small fraction is considered a mirasidar. The claim is ascertained from holding, by inheritance or purchase, a portion of the ancient or mirasi lands, much as in England communal and even political privileges have been attached to the holding of certain lots.

17. It must not be supposed that waste land belongs to the mirasidars; they may, after permission obtained from Government, take it up at any time, subject to the usual land-tax; and when another applies for it, the refusal is offered to the mirasidars; but when they refuse to undertake it, it may be granted to him, as it would have been granted to them, in perpetuity.

SECTION V.

Economic Effects of the Mirasi System, and particularly the Divorce of the Pariah from the Soil.

18. Important economic effects flow from the system under notice. Population pressing upon the capabilities of the soil, and the mirasidar barring the way to the occupation of arable waste, would-be occupants are often forced to come to terms with him, and hold as sub-tenants (generally *metayers*). This division of profits leads to poor farming, and to absentee landlords. Finally, the divorce of the Pariahs from the land and the insecurity of their homes (both to be presently elucidated) place the agricultural labourer under the heel of the large land-holder. In the result the district shows worse farming, has fewer resident landlords, is fuller of sub-tenants and bond-labourers and altogether produces more striking contrasts of wealth and poverty than any of which I have had experience.

19. The constituents of the agricultural population may here conveniently be reviewed. First comes the mirasi body, generally Brahmans or Vellalas, holding all the lands or at least the best. Then come the non-mirasi *pattadars* (if any), then the sub-tenants, both perhaps somewhat inferior in caste. Last are the Pariahs, a few of them sub-tenants, but most of them agricultural labourers.

20. The Secretary of State was lately reported as saying that there is no bar of law or of practice to low-caste people obtaining and cultivating waste lands on the same terms as high-caste people. It is doubtful what meaning should be attached to the word 'practice.' If the statement means that a Pariah can in fact obtain waste land as freely as other classes, it is

incorrect. He may apply for it, but he has to run the gauntlet of first the mirasidars, and secondly the non-mirasi pattadars, both of which classes abhor the thought of his acquiring land, and one of which cannot get enough land for itself.

21. In non-mirasi tracts as a general rule* the cultivating classes can get as much as they want of the waste. They have no other privileges, no common exclusive interests, and have almost lost their common tradition. It is therefore not difficult for an outsider of any respectability to acquire State lands which no pattadar may chance to want; and the mere acquisition placing him upon the same footing

as the pattadars, increases the heterogeneity of that body.

22. In a mirasi village far different conditions prevail. The mirasidars form a close body accustomed to act together, and consolidated by tradition, prejudice and self-interest. Surrounded for a century by ryots hungry for an extension of holdings, they have succeeded marvellously in keeping these at bay. To quote the Board of Revenue:—"They can always effect their object

by taking for themselves the land . . . , and they do so continually, even when they know that they have not the means to cultivate, and that the payment of the assessment must impoverish them."

23. It might be thought that conduct apparently so suicidal would work its own end; but he who should think so would have but a feeble notion of oriental subtlety. "To describe the numerous devices practised by the mirasidars

District Manual, p. 402.

† Non-mirasidars.

‡ Applied.

another mirasidar pursues the same course, often without even paying the assessment. When the land is attached for arrears due, the mirasidars contrive (holding as they do all the village offices) that there shall be a collusive sale at which nobody bids, and the land has to be bought in by Government at a nominal price; it is then re-applied for by a mirasidar, when, according to district practice, it is sold by auction and bought in for a trifle by probably the nearest relative of the last holder, to whom it soon passes by private arrangement, and no one is the worse except the payakari who is kept out and Government that has lost a year's revenue."

24. So wrote the Collector of 1875. Since that year, population has increased by one-fifth, and the obstruction is naturally more grievous.

25. It happens occasionally, however, owing to disputes in the mirasi body or to the judicious use of money or to other temporary causes, that non-mirasi caste-residents acquire portions of the waste. But Pariahs as a rule are rigidly excluded.

26. The reasons for this are not far to seek. In the Southern States of America, before the Civil War, it would have been accounted madness to suggest that the Negroes should be enabled to take up land on their own account. Prejudice and the fear of a free labour-market would have stood in the way. In Chingleput, though legal slavery has been abolished, there is a similar prejudice and a similar fear. It is hardly too much to say that the Pariahs are a detested race; or, as *The Hindu* puts it, "between the Hindu community proper and the Pariahs there is little love lost." The wretch cut off from the land, bound frequently by iniquitous contracts, and holding his very hut at the mercy of his masters, is obedient as a dog, and works for a rack-rent or for starvation wages. How long would this last if he could get a plot of ground for a home and for a livelihood?

27. From policy, then, the Pariah is kept landless. But money will do much; and occasionally a son returning from Natal or from the salt factories on the coast will, from his savings, enable his father to buy a small patch of ground. Now chicanery sets to work. The transfer of the land from the vendor's patta is refused or delayed: the vendor purposely falls into arrears with the revenue due from other land in the same patta, and by the exercise of a little influence has attachment made upon the very piece he sold. It is put up to auction; he easily outbids the exhausted Pariah; and at a very small cost has both the land and the purchase-money for which he sold it.

28. I could draw upon my memory for many similar frauds; but apart from fraud, I have said enough to explain why the enormous Pariah community are as a whole cut off from the ownership of land. In the whole district, they hold only 14,500 acres out of 617,000 held on patta. That is to say, 25 per cent. of the population have only 2 per cent. of the land. And the proportion would be considerably lower but for the villages in which the mirasi system does not prevail. These, being only one-eighth of the villages in the district, contain nearly one-third of the total Pariah holdings. The effect of the mirasi system is apparent.

SECTION VI.

How to partially connect the Pariah with the Soil, as a Government Ryot, without touching the Mirasi System. (See XIV.)

29. I regard the direct connection of the Pariah with the land as the main lever with which we can raise his material condition. The mirasi system as at present understood and worked by the Revenue authorities stands in the way of any large scheme of reform. As this paper is primarily to deal with easy means of amelioration, the inquiry whether the mirasi system is properly understood will be postponed to the last place. Meanwhile, it must be seen whether any smaller scheme is possible.

30. Has the State then at its disposal any land not affected by the mirasi preference?

31. (a) It has 19,500 acres (assessed at Rs. 22,000) in the non-mirasi villages which it can throw open to resident Pariahs by a stroke of the pen, by defining the word ryot in the

See para. 13 above.

Land Application Rules not as pattadar but as resident of the village. This alteration is expedient throughout the presidency.

(b) Every year for arrears of revenue some mirasi lands are bought in by Government, which exercises the right of selling them. In regard to these the mirasi preference has been extinguished. As they have never been kept permanently in a separate register, they at present become merged in the other waste, and the reassertion of mirasi cannot be contradicted by ignorant applicants. Let there be a permanent separate register, accompanied by the change of definition just recommended, and resident Pariahs can get such lands on application.

(c) A similar remark applies to land held by non-mirasidars, relinquished by them or bought in by Government for arrears. The mirasi preference would seem not to exist over such lands, provided they were held before the last settlement (when mirasi fees were recognized on the new occupation of waste).

(d) Wherever large blocks of arable waste existed throughout the presidency, the Forest Department was authorized to constitute them into reserved forests, provided that the land had not been under occupation for 18 months. In other words, lands obviously not needed for cultivation by the community were given another use. In Chingleput, it will at once be seen the test did not fairly apply. There were large blocks here which mirasi obstruction had withheld from cultivation not only for 18 months but for many times as many years, although the surrounding population was craving to enter on them. It was right to constitute them reserved forests not because more forests were wanted (the non-arable land having given an ample supply) but because the land was being wasted, neither supporting the people nor returning a revenue. But now it is open to Government, having acquired these lands in absolute untrammelled right by legislative enactment, to ask itself whether it will do more wisely to keep the land as superfluous forest or to turn it to any better purpose. The extent is 16,000 acres, assessed at Rs. 18,000.

32. I recommend that out of this last area, and out of the 19,000 acres in non-mirasi villages, some favourable localities be selected and set apart for Pariah settlements. Any one with sympathy, common-sense and a knowledge of the country could draw out the details of such a scheme. Selections should be in localities tested for well; the assessment should be specially light for the first few years; and Government should construct a few cheap wells, the cost to be repaid by instalments spread over 30 years. The missionary societies, it may be expected, would help in this experiment.

33. The rest of the 19,000 acres, and the scattered plots (b) and (c) throughout the mirasi villages, should be available for the first resident applicant, whether casteman or Pariah.

34. This completes my suggestions for the opening of waste lands on the supposition that the mirasi preference remains untouched. Without such a leverage, how hopeless to expect to raise this dead-weight of pauperism! In England they have had to fall back upon allotments to elevate the agricultural labourer, and they have to buy allotments dear. Here we have at least some land free; the distress is greater; and I hope we shall not be more careless of the man, though he has not a vote.

SECTION VII.

The Pariah as a Ryot under a Zemindar.

35. Though the Pariah cannot generally acquire the ownership of land in Government villages, he does not find the same difficulty in zemindaris, in which the mirasidars' claims are much more cavalierly treated, and where with comparative ease the Pariah becomes a "tenant." And it is extremely common for him, whether in Government villages or in zemindaris, to rent lands as a "sub-tenant" under a ryot. As both these terms are loosely used in India, a short explanation is necessary.

36. When the British acquired sovereignty in parts of India at the end of the last century, an inquiry was instituted to ascertain in whom lay the ownership of occupied soil. After a discussion which lasted many years, a conclusion was reached which now seems extraordinary, namely, that ownership lay in the State. The error arose, probably from confounding revenue raised from the lands—that is, the land-tax—with rent. As rent was paid, it was argued the State was the landlord. The ryot, the real owner of the soil, was overlooked.

37. The next step was one very natural to administrators hailing from a country where the landed interest was as yet supreme. Conceiving that England owed much of her prosperity to her large estates, they determined that India also should become a country of large estates. With this view, over large areas the supposed proprietary rights of Government were assigned (for a fixed annual consideration) in some cases no doubt to ancient chieftains, but in most to the existing farmers of the land-tax, and where no such middlemen existed, they were deliberately created.

38. Meanwhile, the ryot, whose land was thus given away by Government with a light heart—given by a person to whom it did not belong to another who had no right to it—the ryot, of course, was left very much out in the cold. The new law specially called these new men “proprietors,” and it at once followed that they were “landlords,” while the rightful owners became mere “tenants.”

39. But while unjust to the ryot, the State was guilty of an act of folly to itself. It had to deal with an absolutely undeveloped country, yet it gave away all the waste land to these new favourites, not only as a gift, but free from land-tax for ever.

40. At the same time it forgot two measures which were essential for the maintenance of a landed aristocracy; it forgot to enforce Primogeniture and Impartibility. In consequence, as foreseen by Sir Thomas Munro, many of the estates have broken up; and more would have had the same fate but for a general misunderstanding of the law.

41. Of course, British administration has done its best to mitigate the consequences of this stupendous mistake by trying to protect the “tenant” against his “landlord” by “Rent Recovery Acts; but it is notorious that the efforts have completely failed both in Bengal and here. This is the official description of the position in Chingleput: “Besides the ryot-vari tenure, various other forms of holding obtain, the chief being Zemindari, Mitta, Shrotriem, Manyam, and Ijara,” all distinguished by a common system of rack-renting. About 25 per cent. of the villages of the district thus belong to landlords with privileged tenures, and a large proportion of the proprietors are absentees. Their agents too often oppress the tenants, who occupy only “at will.”

42. The strange thing is that so lately as in 1862 the Secretary of State tried to inoculate with this permanent settlement the parts of Madras still free from the poison. Even now, the Indian Congress flirt with the phrase, but perhaps they mean no more than an unchanging tax on ryot-vari land in place of a tax revisable on certain fixed principles every 30 years. If the price of silver should remain constant for ever, and several other impossible things occur, the idea might be considered.

43. The unsatisfactory relations between the ryots and the middlemen to whom they had been handed over, induced the Senior Member of Council in 1884 to draft a Tenancy Bill which was referred to a Committee and has since been under consideration. It may be hoped that a carrying of seven years is not far from delivery.

44. I make the following suggestions:

(a) The passing of the patta and its counterpart should be a condition precedent to an attachment or a suit by the zemindar. Where a ryot refuses the patta, the burden of compelling it should lie on the landlord.

The obligation of the zemindar to deliver pattas was conceived to be of vital importance. It was laid down both by the Regulation of 1802 and by the Act of 1865. The Regulation of 1822 and the Act practically nullified this by allowing as sufficient a mere tender of patta and by allowing both parties to agree to dispense with pattas; two of the easiest things in the world for the zemindar's agents to prove by false evidence, and impossible to disprove. In my experience, a great deal of injustice results. It is true a ryot may sue for a patta if one is not granted to him, but as a fact he never does and never will.

(b) Registration of landlords in the Collector's office should be a second condition precedent.

It is sad to see ryots ruined by contending landlords, each of whom can attach their crops, and against whom they have only an expensive remedy. Many of the suits for title or between

mortgagor and mortgagee are thus fought out at the expense of those whom they do not concern and who are willing and eager to pay rent, if only they knew whom to pay.

Previous registration in the Collector's office should invariably be required, so that the ryot may know whom to pay, and the contending claimants may cut each others throats instead of his. (Cf. I.L.R. Mad. I. 49, V. 76, V. 87, VIII. 351.)

(c) Twelve years' occupation should give an occupancy right. This is provided for in the Bill.

(d) The village servants in the assigned villages should be brought under the control of Government.

At present they are under the thumb of the assignee, and help him to work injustice. A Bill for the transfer is now before Government.

45. I put these forward as means easy of adoption. With much more diffidence I mention the following points for consideration:—

i. Whether the ryots should have the power of compelling the repair of irrigational works.

The tanks in the assigned villages are in an extremely bad state of repair, some embankments having almost disappeared. Perhaps the ryots should be allowed, on a certificate of serious disrepair granted by the Superintending Engineer, to move the courts either to compel repair or to reduce the assessment on the lands that suffer. There is no means now for them to take collective action, and individual suits for reduction of assessment are almost unknown.

ii. Whether legislation should not compel a survey and settlement in assigned estates or villages.

In Government villages, these operations discovered and redressed numberless inequalities and introduced an assessment fixed for 30 years, favourable both to the ryot and, by encouraging the extension of cultivation, to the Government. It is a question whether equally favourable effects to “landlords” and “tenants” would not follow in zemindaris.

SECTION VIII.

The Pariah as holding under a Ryot.

46. I now leave the special matter of zemindari “tenants” and come to persons holding under ryots whether in zemindari or in Government villages. Such persons holding directly under proprietors of land are of course tenants, but they are loosely called sub-tenants, and it will be convenient to distinguish them by this name. They are treated of in the following High Court judgments:—I.L.R. Mad. V. 354, VII. 365, VII. 374.

47. After reciting that cultivators with rights of occupancy were found at the commencement of the century, and that by the custom of the country permanent cultivators are entitled to permanent occupancy, “We do not see,” the first judgment continues, “how this privilege can be refused to the defendants whose ancestors have cultivated the lands they now hold for at least seventy years.” In a later passage, however, the judgment qualifies this by the phrase “under the circumstances of this case.”

48. The High Court in the third judgment seized upon this qualification, and decided that mere length of tenure for any period will not give a right of permanent occupancy to a ryot who has been let in as a tenant from year to year. It seems to remain in doubt on whom the burden of proof rests, when there is nothing to show how a tenant was let in. I submit that, as a matter of policy, to prevent disturbance, occupancy right should then be presumed.

49. I go further and propose that 12 years' occupation should give occupancy right. This seems to have been suggested by the Full Bench of the High Court. (V. 357, last para., 355, last para.)

50. At present a large number of this class have no doubt occupancy right, but they have in nearly every instance to establish it by a civil suit, for the settlement deliberately refused to record their titles. This, I think, was an opportunity lost, though no doubt the task would not have been easy. It is not too much to say that it is the object of every superior holder to discredit his sub-tenant's occupancy right; and the consequent uncertainty of tenures is a great bar to the progress of the people and the improvement of the soil. Even when wells are sunk by the permission of the landlord, compensation for improvements cannot be obtained.

51. The pattadar, indeed has no privileges under the Rent Recovery Act unless (being a Government pattadar as opposed to a zemindari pattadar) he gets a “lease” or agreement from the sub-tenant. So far, so good; but as the latter cannot read or write, and a mark is easily counterfeited and proved, “I like not the security.” The pattadar also should be required to give a lease, specifying all details; and if the sub-tenant will not accept it, the pattadar, the comparatively rich and educated man, should be forced into court.

52. There remain the occasional sub-tenants who can claim no right of occupation. These must be left to the free operation of contract; but if my proposals should bear fruit, their

number, instead of being artificially increased (para. 18), would remain constant or would somewhat diminish, owing to their being able to take up land for themselves.

SECTION IX.

The Pariah as an Agricultural Labourer.

53. Hitherto I have shown how in Government villages the Pariah cannot get land for himself, how he is driven to take it up as a sub-tenant, or to work as an agricultural labourer, and I have shown the wrongs of the sub-tenants. I now come to the position of the agricultural labourers.

54. These are of two classes: the free labourer and the bond. The former gets good wages near the presidency town, fair wages elsewhere. There is nothing that can be done for him apart from what applies to the whole community. The bondsman is in a different category.

55. Many of the Pariahs, until a comparatively recent period, were slaves, *ascripti glebæ*. When slavery was first mitigated and then abolished, the serfs continued to work under their old masters, and their descendants continue to do so until this day under the name of padials. This class too has been and is recruited from the extreme poor, especially by those who need Rs. 10 or 15 to pay a debt or to marry themselves or their sons or brothers. They "mortgage" themselves, if the native phrase may be adopted; or sometimes the "man-mortgage" pledges their sons. Unable to check their master's calculations, their debts before long amount to three or four times the original sum. There is only one way of leaving the service, that of getting another master to repay the debt; should any other means be tried, the Pariah is sued either in the village or in the taluk court, or the penal provisions of the Breach of Contract Act are put in force. This is enough to bring the most obstinate to reason, and crushes out the very idea of emancipation.

XIII. of 1859.

56. A few instances will reveal the nature of the bonds:

(1) *Date 17th July 1867.* Agreement to work in lieu of interest, receiving the usual *varam*,* in consideration of Rs. 22-4 received for clearing off a debt and the debts borrowed from the father and forefathers of the executee.

* A share of grain.

(2) *Date 23rd August 1868.* In consideration of a sum of Rs. 31 borrowed on (the security of the service of) his brother, the executant engages that his brother shall work as a farm servant in lieu of interest.

(3) *Date 3rd Adi, Vibhava year.* On his son, the executant borrows 21 Rs.; his son to work in lieu of interest, receiving *varam*; if the son leaves service, the father will redeem his son. If the son absconds, the father is liable for the work and the debt, binding himself to pay on demand with interest.

(4) *Date 17th July 1872.* In consideration of an advance of Rs. 28-4 it is stipulated that one of the two executants should do the cultivation work in lieu of interest, receiving padi (measure of grain) and † *sireipanam* (slave-money). If there should be any shortcoming in the cultivation-work, or in case of absconding, steps will be taken under Act XIII. of 1859.

† *Sirei*, captive or slave.

Service may be left after paying the amount advanced and for the loss in cultivation.

(5) *Date 11th March 1876.* "Man-mortgage bonds" by father and son. For the interest on Rs. 81-6 received on previous bond and accounts and 15 Rs. received to-day in cash—total Rs. 96-14 (*sic*) the father leaves his son for service as padial, for wages similar to those paid in the village. Principal to be liquidated by Rs. 5 per annum. In default of work due to disobedience or absence, whether intentional or caused by unforeseen accident, the father to do or cause the work to be done. Four annas to be paid for each day's absence with interest at 2 per cent. per mensem besides compensation for loss. "If work is stopped by us in the working season, we will submit to any penalty in the magistrate's court. This is the man-mortgage bond executed with our free will and consent."

(6) *Date 29th June 1881.* For Rs. 24-8 borrowed for the marriage expenses of one of the executants, they bind themselves that he shall work as servant in lieu of interest, receiving the usual *kalam* ‡ and a yearly pay of Rs. 4.

‡ Threshing floor perquisites.

On failure to work, deduction to be made from pay at the rate of 2 as. per diem. Service to be left after paying the debt plus any debt that may since have accrued.

(7) *Date 11th July 1881.* After agreements similar to several of the above, it is stipulated that the executants must pay the money from their own earnings, and if money is borrowed from others on promise of serving under them, it may be rejected. The executants agree to work only under the executee.

(8) *Date 20th July 1881.* For Rs. 7 received the executant agrees that his son should work as padial in lieu of interest; he can redeem his son by paying the debt in the month of Ani in any year subsequent to the year Tharana.

(9) *Date 21st July 1883.* For Rs. 7-14 one of the executants agrees to let the other (his son) work as padial in lieu of interest. If the latter should abscond, the father binds himself to work, till this debt and the balance due on accounts should be paid up.

(10) *Date 3rd September 1883.* "I have this day received from you a sum of Rs. 14 for making over to you my brother, Virabadran, for padial service," and so on, much as before penalty being four annas a day.

(11) *Date 31st July 1885.* For Rs. 37-4-0 the executant binds himself, much as above, receiving the customary wages. For any delay, he is responsible for the loss, and will act according to the conditions of criminal breach of contract.

(12) *Date 4th October 1887.* "In satisfaction of the interest accruing on a sum of Rs. 33-4-0 arrived at after settlement of accounts of a document executed by us on 6th October 1874, A, son of M, one of us, shall serve you as a padial on receipt of padi cooly at the rate obtaining in the village Failing payment in default, you may proceed to recover with costs by distress and sale of our moveable property in due course of law. This is the promissory note executed with our free will and consent."

(13) *Date 15th August 1888.* For Rs. 50-7-6 (Rs. 39-15-6 found due on the settlement of old accounts, and Rs. 10-8-0 received in cash for the marriage of one of the executants) he is to work receiving *sireipanam* according to custom. In default, they render themselves liable to Act XIII. of 1859.

(14) *Date 25th January 1890.* Three persons bind themselves to do aminji* work as padials for Rs. 73 formerly advanced, on pain of prosecution under the Penal Code.

* Without remuneration.

Such bonds are specimens of the thousands that exist—one single man having been known to produce 150.

57. They are more common in this district than elsewhere, but have been brought to the notice of Government from other districts as appears from a letter in the *Madras Mail* of 20th August last, which I have no reason to suppose incorrect:—

"The late Honourable Mr. V. Ramiengar, C.S.I., wrote:—The Registrar of South Canara brings to notice several contracts registered in the sub-districts of Vital, Bantwal, Kasaragod, which show that predial slavery is still lingering in the interior of the districts. The contracts are between landlords and the Pariahs (Mula Mahars) attached to their estates and bind the latter and their families to serve on the estates during their lives for certain specified low wages. Any breach of the contracts by the Pariahs is to be punishable under the Penal Code or the Breach of Contract Act. The Pariahs are the descendants of the serfs who used to be bought and sold with the estates in former times, and are still ignorant and dependent to know or assert their rights. Of course the landlords are too knowing to allow any of these contracts to go before a court of law. The Government Order thereon is as follows:—At para. 5, the Inspector-General gives the particulars of certain remarkable documents registered during the year. Some of these appear to be against public policy, and if put in suit would not entitle any one claiming under them to legal proof. The Advocate-General considers, however, that the Registration Department was bound to register them, as they do not stipulate for the commission of a criminal offence. A change in the law authorising Registrars to reject (subject to appeal as in other cases of rejection) documents when the executants deal with the persons or labour of the parties; or signify their liability to statutory punishment which does not apply to the case, seems very desirable and will be suggested to the Government of India. Meanwhile, the District Magistrate, Canara, will submit a full report on the contracts mentioned as registered by the people called Mula Mahars in Vital and other sub-districts. When Mr. Ramiengar became Dewan of Travancore he issued the famous circular for the suppression of slavery in that State, which directed the officials to give full freedom to the Pariahs to walk along the roads or streets and to enter public offices for transacting their business, without being molested. The Honourable Mr. George Hamnett, C.I.E., wrote:—In Tinnevely, attention is drawn to three documents. The second and third documents indicate the existence of slavery amongst the lower orders, and of the unfair advantage taken of them by the wealthier classes. Two Pariahs borrowed Rs. 10 and 11, respectively, and bound themselves, in consideration of the principal and interest, to perform all kinds of work during their lifetime at a reduced rate of wages in the cultivation of their creditors' land. In case of default, or if they demand higher rates of wages, they are to repay the debt at 3 per cent. interest per annum. The Registrar of South Canara again brings to notice several documents of a nature opposed to public policy by which Pariahs (Mula Mahars) are bound by threats of prosecution to serve their masters for indefinite periods. In the sub-district of Ellore, in the Godavari district, a few documents were registered by which Pariahs borrowed money from certain ryots and bound themselves and their sons to serve as agricultural labourers for indefinite periods. In the sub-district of Nanguneri, in Tinnevely, a Pariah bound himself to perform throughout his lifetime any agricultural labour imposed on him in consideration of a loan of Rs. 15 and a daily wage of two seers of paddy. In the sub-districts of Chevayar and Vayitri, in Malabar, certain documents were registered by Pariahs binding themselves to perform certain service in consideration of loans made to them. The translation of one of these documents runs as follows:—Whereas we have to-day received from you an advance of Rs. 100, we have agreed to work for you . . . till the minors attain their majority, receiving a daily wage of

two measures of paddy for maintaining ourselves and our children. We further agree that we, with our children, when they are able to work, will serve for 36 years, &c. In South Arcot certain mortgage-deeds were executed by Pariahs binding themselves to serve. The description given of one of these deeds is as follows:—"The executant acknowledges the receipt of Rs. 6, and in consideration of this sum mortgages his younger brother, who is, in lieu of interest on the debt, to work as a field labourer under the grantee, who will on his part feed him thrice a day and pay him the usual harvest perquisites. The executant further binds himself to pay damages at the rate of an anna for every day on which his brother absents himself from work. In Tanjore it is also stated that Pariahs bind themselves to labour in consideration of small allowances either for life or for indefinitely long periods."

58. I shall quote four more bonds as I shall have to refer to them presently; they were executed to a Superintendent in the Accountant-General's office.

i. In 1885 three brothers executed a document for Rs. 25; the last of the brothers being bound to work as farm labourer receiving 4 merkals of paddy as his monthly wages; should he fail to work, all the brothers to make good the loss by paying 2 as. *per diem* and to return the loan.

ii. In 1886 a similar agreement by two brothers for Rs. 25-12-0, binding themselves to work as agricultural labourers for 10 years; in default to repay the amount with interest and make good the loss at 2 as. *per diem*.

iii. A father executes an agreement for Rs. 23, his son to do agricultural work for 10 years; in default, to repay the sum with interest and indemnify the loss.

iv. In 1889 a father and two sons, for Rs. 40-4-0, bound the sons to work for an indefinite period, in default to repay the loan and indemnify the loss.

59. Most if not all of these bonds are not enforceable by law; but the padial does not know this, and lives in dread of a suit before the village or the district munsif, or imagines himself (not without cause, as I shall show) liable to be arrested by the magistrate and sent to jail. In its effects, this differs little from slavery, and the word is in fact used in sale-deeds (Appendix C).

60. What is his remedy, at present? He has none. The Penal Code (s. 370) would punish "detaining against his will any person as a slave," but probably no court would hold that slavery to which the padial has freely consented.

61. The bonds set forth show that one of the sanctions imagined by the padial as constraining him is the Breach of Contract Act (XIII. of 1859).

62. I suppose the Indian Statute books do not contain a worse-drawn enactment. The very High Courts differ on the main idea. As to the Magistracy, I can speak feelingly from having been District Magistrate in a planting district and in several others. The Act is interpreted wrongly—

- (a) as applying after the work contemplated has been completed,
- (b) as applying to contractors,
- (c) as sanctioning compensation,
- (d) as allowing an order of imprisonment in anticipation of non-compliance with judgment,

Weir's 3rd edition, p. 454.

Do. do.

Do. p. 455.

Do. pp. 455-56.

- (e) as sanctioning "a species of slavery"—i.e., to work until the repayment of the amount advanced,
- (f) as sanctioning "a practical sale for an ordinary lifetime,"
- (g) as applying to deposits or loans to be refunded at the close of the contract,
- (h) as applying to contracts extending over a long period, in circumstances which would practically constitute "a kind of slavery."

(i) as applying to loans without interest such as are evidenced by the bonds set forth above,

63. These are only a few of the grotesque perversions of the Act. If I may not insist that

I.L.R. Allahabad. XI. 262.

one High Court has completely misread it, I may assert that many European and most native magistrates pervert its meaning. The latter particularly seldom turn to Weir's or Woodman's digests; they are too often prejudiced in favour of the landed classes; and the Act, as it is administered, has sent hundreds of innocent men to prison, or condemned them to "a species of slavery." In 1889, nearly 9,000 persons were prosecuted under the Act in the presidency (Report on Administration of Criminal Justice).

64. Out of very many illustrations that I might give, I shall select one, the cases brought by the educated official mentioned in para. 58 on the bonds there quoted. Five padials were prosecuted on those monstrous bonds; the cases were twice adjourned owing to the complainant's absence, though they should then have been struck off; they were then again adjourned that the parties might come to terms. All this had a very natural effect on four of the men, and they

compromised,—consigning themselves or their sons again to "a species of slavery"; but the fifth man remaining obdurate, he was in defiance of law at once sentenced to one month's rigorous imprisonment. This by a sub-magistrate who is a Bachelor of Arts of the Madras University.

65. If I should collect all the similar cases I have known, it would never be contended that the padials are sufficiently protected by the Act even as expounded by the Madras High Court. Their expositions are not and will not be generally known; they are not referred to, and gross failure of justice is the usual result.

66. I suggest then that the Government of India be addressed to enact a proper and intelligible Breach of Contract Act. It is not only the master, as at present, that should be protected; but there should be provisions directed against quasi-slavery and limiting all labour contracts to one year, and perhaps requiring their registration.

67. It will have been observed that some of the bonds speak of wages to be paid at the rate customary in the village, and it will be asked what this is.

68. The whole subject of agricultural wages was discussed in the district reports called for by Sir M. E. Grant Duff in 1885. This vast mass of information, which, rightly checked and arranged, would be of the utmost value, is believed to be buried in some intermediate office, as though statistics were more digestible when stale.

Letter to Board, dated 1st December 1886.

69. In Chingleput the padial, or labourer under bond, was then reported to get:—

	Yearly Value.		
	RS.	A.	P.
12 (small) merkals of unhusked rice every month	21	0	0
One meal a day	24	0	0
Perquisites	6	4	0
One cloth a year	0	10	0
Annual present in cash	0	14	0
Extra presents	0	7	0
Foregone interest on debt due by him	3	0	0
Total	56	3	0

70. The object of the inquiry was to ascertain the man's means of supporting his family and as he can ill support them on the interest of a debt (incurred many years ago, perhaps by his father or grandfather) I think the item of 3 Rs. for interest foregone was wrongly included.

71. Another error was in the cost of the one daily meal. This is of ragi mixed with rice, and in our famine kitchens costs at the present high prices but 5½ pies. It will certainly be fair then to estimate the value at 4 pies a day, or 8 Rs. a year.

72. Letting the other entries stand, though some of them are doubtful, I must reduce the value of the annual wage to Rs. 37-3-0 (nearly Rs. 3-2-0 a month).

73. The report made the more serious mistake of representing the padial's wife as employed permanently on annual wages. In fact she is only occasionally employed when there is weeding, reaping or such like work about the farm or in the neighbourhood; she is then paid something like an anna and a quarter a day, but she is very lucky if employed on 180 days in the year, thus earning Rs. 14 annually, or say, Rs. 1-3-0 a month.

74. The report was fairly correct in representing a boy padial as getting Rs. 1-8-0 *per annum* and cloths worth 8 annas, in addition to his food; but it is more usual for him to get nothing but his food. The cost of this was estimated rather highly with the result of bringing the total earnings to Rs. 25. In fact, the food will cost only Rs. 1-8-0 a month, and with the other two items the earnings will be Rs. 1-10-8.

75. We are now in a position to consider the padial family on the basis taken in 1886. The figures must be reduced thus;

	Per Menssem.		
	RS.	A.	P.
Man's wages	3	2	0
Woman's earning	1	3	0
Boy's wages	1	10	8
Total	5	15	8

76. But the basis was very faulty. It made no allowances for a family in which there is no wage-earning son, while at any rate it was misleading to include a boy, whose "annual earnings," it was admitted, "are just enough to cover his expenses," and whose only connection with his home is that he sometimes sleeps there. His wages deducted, Rs. 4-5-0 are left to his parents, or Rs. 4-7-0 if his cash payment is handed over to them.

77. The typical family, too, was taken to consist of only three members, and these all wage-earners. Alas! the Pariahs breed like rabbits.*

* NOTE.—The rapid increase of the Pariahs was not shown in the census of 1881, probably owing to the famine of 1877. If it is not shown in 1891, so much the worse for the census.

I have come across scores and scores of cases where the family consisted of husband and wife, 6 or 7 young children at the rate of one a year, and an aged parent. A woman in such a family is laid up half her time.

78. The only fair way to look at the matter is to consider what the padial and his wife can bring home for the support of their family. It must be borne in mind, however, that he gets one meal a day, and one cloth a year; and that any son old enough to work can generally find a master to feed him. The padial then may get

	Yearly Value.		
	RS.	A.	P.
Monthly grain wages	21	0	0
Perquisites	6	4	0
Annual presents	0	14	0
Extra presents	0	7	0
Total ..	28	9	0 or
	2	6	1, a month
Add his wife's estimated earnings, on the improbable supposition that she is never laid up when field work is going on ..	1	3	0
Total ..	3	9	1

79. I should like to corroborate my conclusions, drawn from a study of several years, with a note lately taken down in Sembakkam, Chingleput taluk.

"The munsif says the pay of a man padial is 8 merkals a month = 1 rupee in ordinary years; now = 1½ rupees. Hereditary servants are called paramparai. He has 3 padials; their wives work when there is work, for usual daily wages, viz., 5 nazi of paddy usually = 1 anna and 3 pies. Boys get from 1½ measures up to 8 merkals as they grow into men. Both men and boys get a mid-day meal; it is always *kuzu* one measure, costs usually about 5 pies. If the boy does not get any grain at the end of the month, he gets 3 meals a day, otherwise none."

80. To say then that the agricultural labourer with his family earns Rs. 10 a month (as was said in the report I am examining and as has been since repeated by the Secretary of State) is highly incorrect as far as the padial is concerned.

SECTION X.

A Free Home for the Pariah.

81. I now make a step forward, and imagine the low castes in occupation of some land; entitled to acquire more; with their present sub-tenures more assured; and protected against agrestic slavery. An equally important point in their material progress is to obtain free homes.

82. There is a preliminary matter to be borne in mind: that mirasidars are prevented by caste-scruples from even entering the paracheri.† Indeed the Board of Revenue has reinstated village-officers who have been suspended for refusing to enter when such entry was necessary for the efficient discharge of their duty.

83. At present, on the strength of some old accounts which enter the names of the mirasi sharers even against the paracheri, mirasidars claim every foot of land therein (though they cannot even approach it) and contend that the huts are built on sufferance. The inmates are too depressed, too ignorant, and too dependent to contest these preposterous claims; and we see here a potent instrument of oppression. Sometimes rent is exacted; generally, the pumpkins and other poor vegetables of the tiny backyard are taken away as of right; while if a member of the family should displease 'the master,' whether by wishing to leave the village to better himself, or by wishing to work under another master, or by any petty act of disobedience, the house may be pulled down or its entrance blocked up, or life made intolerable to the family in other similar ways. Occasionally, too, a civil suit is filed, and on the strength of the old records the inmates are evicted.

84. Perhaps instances are needed of such oppression.

The Sub-Collector wrote: "This morning I find that most of the paracheri lands are entered in the names of the (mirasidars), and they threaten to oust them if they do not work gratis or very cheaply for them."

Board's Proceedings, No. 617, dated 6th September 1892.

"A wide-spread belief prevails that the mirasidars are absolute owners of the village-site. The abuses are not rare, but of almost daily occurrence."

"As soon as this was known (the restoration of the old double entry) K. R. serves a lawyer's notice on S. to remove the house in 8 days and to pay up Rs. 10, the value of chillies grown in the backyard."

The Board of Revenue had a case before them in which "the mirasidars asserted this right over the land in the paracheri of their village, and did so by ousting a Pariah who had occupied a house in the paracheri for 40 years."

Instances might be multiplied, but the facts are notorious. I shall therefore quote only one more. Mr. Lee Warner wrote: "It appears from the civil decree

that because they ceased to work for the plaintiff, as his farm servants, the latter brought a suit to eject them from their houses which are in the part of the village-site set apart by Government for Pariahs, and was successful. On the Pariahs re-entering upon the site, they were convicted of a criminal offence."

85. The remedy adopted so far is to abolish for the future the entry of the mirasidars' names against the paracheri. But this can have little or no effect, as all the old accounts can be produced in court. Government has refused to disavow the mirasidar's claims, though refusing at the same time recognition as inconsistent with the welfare of the people.

G.O., No. 5823, MIs, 11th September 1890.

86. Now it is admitted (see para. 6):—

That a stupendous wrong is being constantly perpetrated on a large portion of the community;

That it is perpetrated on the strength of certain misleading entries in Government accounts; That those accounts, though not to continue, cannot be destroyed, but remain at hand for the same purpose.

It follows that the wrong will continue, and in fact it does. From these premises it appears to me that we have all the conditions necessary for legislation. For the shape it should take I am not now to make recommendations.

87. But if there be a shrinking from legislation, I would urge at least (a) imposition of quit-rent on excessive house-site holdings; or (b) that the High Court be requested to instruct the subordinate courts to inform the Collector of every suit by a mirasidar for a pariah house-site; that the Collector be authorized to employ the Government Pleader to assist the defendants; and that this course be widely advertised throughout the district.

SECTION XI.

Emigration.

88. The pressure of the population on the land, revealed to the public by the present census, must cause anxiety to every thoughtful mind. The adoption of some of the measures proposed in this paper, by increasing the available area of land, would afford a breathing time in this district in which the State could apply itself seriously to organized emigration. Upper Burma and other parts of the Indian Empire are crying out for the surplus population which every year it becomes a harder task to feed. At the present moment 2,000 mouths in this district are being fed gratuitously by the State; and the number would have been infinitely higher but for a vast expenditure on public works specially undertaken for the crisis. Of the inmates of the famine relief kitchens, four-fifths are Pariahs, and nearly all the rest are low-caste people for whom I am equally solicitous.

89. Here and there a man will be found who is venturesome enough to go to Natal, but the emigration agencies of such colonies are unable to employ recruiters of any influence. When I ask people why they do not emigrate, I am sometimes answered that they know their own divisional officer or tahsildar, but to whom should they complain in a strange land?

90. It is not a matter on which any very certain opinion can be held; but I believe that State emigration on liberal terms to healthy localities would have a very fair chance of being popular, provided a Madras officer were sent to be in charge of a definite settlement for the first year. But whatever view be taken of particular ideas, I think it beyond doubt that more attention must in the future be paid to this method of counteracting the improvidence of excessive fecundity.

SECTION XII.

Drink.

91. In a preliminary sketch I wrote—

"It sometimes happens, whether from the proximity of salt factories or from other causes, that Pariahs get good wages. By an excess of public-houses we encourage them to waste these on

drink. For instance, in the small taluk of Ponnéri alone, where there are only 252 villages, there are no less than 112 toddy and 51 arrack shops, and the district authorities are helpless to effect reduction. The area per shop is only 2.1 square miles."

92. I do not care to add to this indication, for Government has taken steps towards the only solution of the difficulty, viz., to lay down for country-areas, as already for town; certain principles regulating the maximum number of shops.

SECTION XIII.

Education.

93. The present Director of Public Instruction agrees with Professor Huxley in holding that

Report for 1889-90, page 135.

a national system of education should provide a ladder from the gutter to the University, so that the poorest child in the country should have the means and the opportunity of receiving the best education he is capable of benefiting by. Let us examine the ladder leading from the paracheri gutter.

94. It might be expected that the Director's Annual Report would be the best source of information. But unless I have been guilty of oversight it contains no statistics about Pariahs.

See only page 8.

There is indeed a section devoted to Aboriginal and Backward Classes, but the Pariahs are not included though probably aboriginal and certainly backward. This is an omission which might well be supplied in future reports. In the meanwhile, I must fall back upon such figures as I can otherwise obtain.

95. Except in certain mountainous tracts and in the case of a few tribes or classes departmentally recognized as backward, the primary education of boys has been delegated by Government to the Local Boards. These bodies either maintain their own schools or assist private effort by grants varying with the results of examinations.

96. Last year in this district these schools taught 11,490 children, of whom only 1,443

Report of Assistant Inspector.

were Pariahs. Thus 24.8 per cent. of the population supplied only 12 per cent. of the pupils. But the matter is far worse when looked into closer. So many as 1,176 of the Pariahs were in mission schools, which are not generally scattered over the district but are grouped round large centres like Madras, Conjeevaram or Tiruvallūr. In non-mission schools there are only 267 boys.

97. The state of things may be illustrated from the taluk of Tiruvallūr, which contains 303

Report of Deputy Collector.

villages. The number of pariah adults able to read and write is 177 in the whole taluk. In 260 villages there is not a single Pariah able to read and write. In 272 villages there is not a single pariah child at school. In all, there are 221 boys and 36 girls attending school, but these are confined to 31 villages and are principally at mission schools.

98. It will be seen that save where there are mission schools next to nothing is being done even for the primary education of Pariahs. The reasons for this appear to be:—

(1) That the mirasidars and other masters of the Pariahs set their face against this education.

(2) That the parents of the caste pupils object to their children frequenting schools where Pariahs are admitted.

(3) That the schoolmasters share this prejudice, making the pariah children sit outside the school, and teaching them from a distance.

(4) That the children have to tend cattle or otherwise work during the day.

(5) That they are often too poor to pay fees or buy books.

(6) That there are no trained pariah masters (for no results grants are given unless masters have passed the primary examination): Even untrained masters can hardly be obtained.

(7) That even if masters could be obtained, they could not keep themselves on the result grants, though these are 50 per cent. higher for Pariahs.

99. The remedies I propose are:—

(a) To increase the number of special pariah day and night schools so that every large paracheri shall have one;

(b) To attract Pariahs by scholarships into the Normal schools;

(c) To abandon the results grant system and pay salaries in these special schools;

(d) That Provincial administration, which alone can stand the financial strain, and which can maintain a sympathetic policy in favour of the low-castes much more consistently than the Local Boards, should assume the control of the special pariah schools. The measures which I recommend in connection with the land question would ensure an ample supply of funds. (See Appendix B.)

100. I turn now to mission schools.

The indirect influence of missionaries has often been remarked; but perhaps enough justice has not been done to them as a civilizing power. In fact their action in this respect has been most beneficial, especially among the lower castes of South Canara and Tinnevely, among some of the wild tribes and among the Pariahs. This is not ungraciously acknowledged by the organs

The Hindu, 7th August 1891.

of native opinion, *The Hindu* going so far as to say that there is little chance of the Pariah problem receiving attention from any other quarter (except from the Government itself). "Indeed," that journal continues, "of the lower castes of the Hindu society and of the out-cast population, the Christian missionaries seem to be the only (*sic*) but the most willing and competent protectors and regenerators."

101. The difficulties in the way of Mission Education are at present two:

(i.) The increased result grant of 50 per cent. for Pariahs is taken away if a pariah boy declares himself a Christian.

This seems unwise and ungenerous, as conversion is the Missionary's reason of existence. I recognise of course that Native Christians are keen for education and that for a class so keen higher result grants are not in general necessary. But it would be easy to distinguish between work at large centres and work afieid.

(ii.) A mission cannot settle itself in a village unless it can get a house-site or school-site either in the village or in the paracheri; yet owing to the claims and influence of the mirasidars this is often difficult, sometimes impossible. Missions too are apt to settle where they can do most good; whereas a missionary cannot, without vast difficulty, improve the material condition of a congregation hampered by the shackles which are the main subject of this paper. When they are removed, progress will be no longer impeded.

102. What may be expected from the education of the Pariahs? In the first place, even a low standard of instruction will, to some extent, safeguard them against becoming victims of fraud and oppression and teach them to make the most of their opportunities. In the second, their instruction, carried a little further, may add materially to the intelligence and progress of the country. For the Pariahs were not always in their present condition of degradation. The most popular poem ever produced in the Tamil country, the Kural, was written by a Pariah named Tiru-valluvar 'the divine Pariah' as he has been called. Nor is the Pariah of the present day by any means destitute of sense and good qualities. He shakes of his folly with his degradation and exhibits remarkable acuteness in a European household; and in the Colonies. As for devotion to his master in danger or sickness, no part of our Eastern possessions, however wild or deadly, but can bear witness; while his courage has made the reputation of our finest regiment. The material in short is good enough to work upon; and it ought to be no vain hope that this race can be led at least a step or two away from the slough into which it has been dragged.

103. The discussion of education cannot stop here. In the truest sense, the higher castes need it as much as the lower. A traveller among the Bakhtiaris has recently described them as having some idea of the unity of God, but none of the brotherhood of man. This is hardly a strained description of "Educated" India, and the fact must be deeply deplored by all whose bent of mind inclines them towards a larger employment of educated Hindus in the public service. Some eight or ten years ago, it is true, in Bangalore, there seemed signs of a new day in the establishment of a society to encourage and raise the neglected races; but the thing was merely a brief candle which snuffed out at once. But an idea which affects every relation of society and politics in Europe, must in time permeate into the better minds of India, and the process should be assisted, as it is not now, by any theory of education worth the name.

SECTION XIV.

How to more fully connect the Pariah with the Soil, as a Government Ryot, on a proper conception or on a modification of the Mirasi System. (See VI.)

104. To return, in the last place, to the mirasi system. I have shown how the pariah race, so naturally agricultural, can in general connect itself with the land only as sub-tenants or as farm-hands. I propose to inquire why this should be.

105. I was travelling to Chingleput the other day with a winter visitor to India, and on either side of the rail he pointed out large areas of scrub land, and asked me why it was not cultivated. I gave the stereotyped explanation, but in vain. He insisted that the land was good land (as indeed it was) and that we in India had no right to complain of famine so long as we did not use the land which God had given us.

106. From Chingleput take the train further south, or leave the railway at Chingleput or Vandalur and strike eastwards to the coast. On either hand you can shoot partridges over miles of useless bush which in an ordinary district would be waving with grain, feeding and employing thousands of people.

107. Not to be tedious, there is at present in the mirasi villages 73,912 acres of unoccupied arable land, crying out for tillage like the fields in the fairy tale. The annual loss of revenue to Government is Rs. 99,887. The mirasidars will not take this up, and will not let it be taken up by the non-mirasi residents of the village; while neither class would for a moment think of waiving its privileges in favour of a despised and rejected Pariah.

108. Yet the latter is keenly eager to get land, and when the soil is suitable digs a well and improves the holding rapidly. So eager is he in fact that he constantly enters upon Government waste without authority. The mirasidar waits until the scrub is cut, the roots removed, the prickly-pear burnt, and the soil cleared for a crop, and then asserts his preference and takes the land.

109. The prejudicial action of the preferential claim has now been sufficiently illustrated. It is time to discuss its legal basis, and any possible modification.

110. It has already been observed that at the end of last century the mirasi system was discovered in a more or less disintegrated form in most parts of the peninsula; and that it has since disappeared except in Tanjore and Chingleput. An explanation of these exceptions may be demanded. Of the former district I have no knowledge. In the latter, three causes may be mentioned as having contributed to arrest the progress of decay. These were—

The conservative effects of the decisions in the Mayor's Court of Madras in the latter half of last century, when British territory was confined to the neighbourhood of that town;—

The researches of Collector Mr. Place in the last decade of the century;—

And the fact that the introduction of the ryotvari system about 1816 was entrusted to Mr. F. H. Ellis, a distinguished and fond student of ancient tenures, and author of a treatise upon mirasi.

Manual, page 280.

111. It is upon this gentleman and his Native Assistant that the courts have leaned in their interpretation of the law; but perhaps enough weight has not been given to the consideration that for different reasons the antiquarian and the Brahman were both extremists.

112. It is at least certain that Mr. Ellis' views did not obtain in his own day the unqualified assent which they have since commanded. The Court of Directors disapproved the publication of his paper. His opinions were attacked all along the line by the Board of Revenue. Sir Thomas Munro, the greatest of South Indian statesmen, writing in 1824 of the mirasi fee which Government acknowledged half a century later, was even more hostile: "the right of the mirasidar to derive a rent from land for which he neither pays the public revenue nor finds a tenant, is certainly not acknowledged now, and probably never was so at any former time."

Papers on Mirasi Rights, page 542.

And he argued at length against Mr. Ellis' view that waste in mirasi villages belonged to the mirasidars jointly, pointing out that the claim was made by every village in the province, but was not valid as against Government, "which possesses, I think, by the usages of the country, the absolute right of disposing of the waste as it pleases in villages which are miras, as well as in those that are not."

Manual, page 403.

Arbuthnot's Munro. Vol. I., page 242.

Do. do., page 244.

113. Nor was it until 1842 that the mirasi preference hitherto conceded occasionally as an act of grace was generally acknowledged in the practice of the district. In that year a decree of the Provincial Court was passed wherein the right was ordered to be invariably considered. The law as then laid down does not materially differ from the recent summaries of the High Court, which I now proceed to notice.

Collector's letter printed in Board's Proceedings, No. 2710, dated 22nd April 1869.

* No discussion of this subject would be complete without a reference to Mr. Crole's Papers on Mirasi Rights, able paper. District Manual, page 461.

† As too often happens in India, the right of the State had been prejudiced by a previous series of decisions between private persons to which the State had not been a party. Papers on Mirasi Rights, page 462.

114. "According to what may be termed the Hindu Common Law, a right to the possession of land is acquired by the first person who makes a beneficial use of the soil." Nor is this otherwise in mirasi districts. The mirasidar has the first option to take up land, but "where a mirasidar . . . neglects to cultivate culturable waste, the Government is at liberty to issue pattas to those lands to any stranger who will undertake to pay the assessment." The

I.L.R. Mad. IX. 179.

I.L.R. Mad. IX. 306.

I.L.R. Mad. VI. 307.

See also I.L.R. Mad. II. 158, lines 21 and 22.

I.L.R. Mad. IX. 306.

two last judgments quoted are of 1880 and 1882, and are valuable both as historical summaries and as expositions of the law. In 1885, too, Sir Charles Turner, C.J., took the pains to reiterate "We desire not to be understood as denying the right of the Crown to exercise a control over the mirasidar's claim to waste land in order to protect its claim to the revenue which it may derive from it."

115. It is plain then, if anything legal can be plain, that the mirasidar's privilege may be overlooked if—

(a) There is culturable waste,

(b) The mirasidar neglects to cultivate it,

(c) Strangers are willing to undertake to pay the assessment for it.

116. Now there are nearly 74,000 acres which the mirasidars omit, and much of which they neglect, to cultivate; and it is beyond question that "strangers" are willing to take up a great deal of it. My proposal therefore to throw some of it open is not contrary to law.

117. Nor is it inequitable. Not only do the mirasidars play the dog in the manger with the available waste; but at present they hold more land than they can cultivate. The fact reveals itself in the enormous area of irrigable holdings left uncultivated in every year without exception. The matter recently attracted the attention of the Board of Revenue, and here are their figures for 1885-88.

Irrigable holdings uncultivated.

1885	..	..	..	..	..	..	..	..	29,000
1886	..	..	..	..	..	..	..	..	26,000
1887	..	..	..	..	..	..	..	..	25,000
1888	..	..	..	..	..	..	..	..	26,000

"The practice of leaving a large proportion of wet land 'waste' seems to be a regular one in the Chingleput district and is probably deliberately adopted by the ryots for reasons of their own."

Board's Proceedings, No. 4155 Mis., dated 8th August 1891.

118. But the case does not end here. At the time of the revenue settlement (1875) there was effected a certain arrangement. Up to that period, there had been no recognition by Government of the mirasidar's claim to an annual fee payable by all non-mirasi pattadars—a claim which Sir Thomas Munro had considered preposterous. It was now proposed that at least partial recognition should be given. What was the representation on the other side? "I have gone into the question of the claims of the mirasidars," wrote Mr. Puckle, then in charge of the Settlement Department, "with the mirasidars of the Chingleput and Saidápet taluks

The mirasidars whom I have consulted expressly assert that they will not only not oppose immemorial waste being granted on patta to outsiders if assured of the receipt of (fees), but that they will gladly resign some lands that they are now holding and paying for merely to keep out (applicants) and that such lands may be taken up by the (applicants) without opposition in future." The Board of Revenue accepted the proposal with enthusiasm. After dwelling upon the pertinacity with which mirasidars keep out strangers—and reciting Mr. Puckle's opinion

that the chief mirasi difficulty will be laid at rest for ever if the (fees) are registered: "The Board" they continue, "have been surprised to find that there is so simple a remedy for an evil of such magnitude," and proceeded to strongly recommend the change to Government, by whom in result it was sanctioned. Having got what they wanted—an official recognition and registration of mirasi fees—will it be believed that there has been no material change in the mirasidars' factious opposition to outside applicants, and that the evil has continued of the same magnitude as before? On this second ground then I say that the proposed change is not inequitable. To be candid, however, I must add that the fee has proved difficult of collection.

District Manual, page 403.

119. I have shown I hope that to throw open land to non-mirasidars would be neither illegal nor inequitable; but I promised in my preliminary sketch to show how it could be effected without loss to mirasidars. It may, of course, be argued that if the mirasidars have more land than they can cultivate and neglect to apply for what lies ready to their hand, here alone is enough evidence that there can be no loss. But I desire to go further, and make my position more secure. I propose then to give the mirasidars the opportunity once for all, or in the first month of every year, to take up all the land they want. Something of the kind was done in 1796 when "Mr. Place was directed to require each mirasidar to declare in writing the extent of land he wanted, previously informing the mirasidars that it was the intention of Government to bestow the surplus or spare land they could not cultivate on new mirasidars." And the example was imitated by the Collector of 1834.

I.L.R. Mad. VI. 306.

Board's Proceedings, No. 2710, dated 22nd April 1869.

120. In the last resort, indeed, the suggestion of the Chief Justice in 1880 (Indian Law High Court 128 of 1882. Report, Madras, II. 150) and again in 1882 might be adopted and compensation might be given. In C. Appavu Gramani *versus* the Secretary of State Sir Charles Turner said as follows: "In the Bengal Presidency this question had received a satisfactory solution by the Legislature. Regulation VII. of 1882, section 8, enacted that when the waste land belonging to or

adjoining any mehal (revenue-paying estate) was very extensive so as to exceed the quantity required for pasture or otherwise usefully appropriated, the Revenue officers were empowered to grant leases for the same to any person who might be willing to undertake the cultivation in perpetuity, or for such period as the Government should determine, and assign to the zemindars or other persons who might establish a right of property in the lands so granted an allowance equivalent to 10 per cent., on the amount payable to Government by the lessees, in lieu or bar of all claims to or in the lands so granted, and of such perquisites and privileges as by the custom of the country they might appear entitled to receive. Such an enactment in Madras, coupled with a survey* and ascertainment of the limits of mirasi estates, would have put an end to much of the prevailing uncertainty as to rights, and have secured at once the interests of the Government and the mirasidars."

* There is some confusion here. Mirasi lands have been surveyed; what a mirasi estate is I do not know. The High Court in this judgment drew a parallel between mirasidars and zemindars, but they differ *toto celo*. The latter are the assignees of Government rights; the former the modern representatives and heirs of the ancient village corporation.

121. The 10 per cent. here recommended does not differ much from the mirasi fee of 2 annas in the rupee, which was at the last settlement made payable to the mirasidars from all new occupation of waste. It had been hoped by the Collectors of 1868 and 1875 and by the Director of Revenue Settlement that this fee would pacify the mirasidar and lead him to quit obstruction; but the hope has proved to be fond partly because the fee is difficult of collection. Perhaps if Government collected it the opposition to abolition of the mirasi preference might be diminished. It might be collected with a very slight change in the law, and paid to the mirasidars. Further concession than this, I would not recommend.

122. For two things must clearly be borne in mind; one, that if the mirasidars are simply bought out of their preferential claim to waste, they will still retain an equal claim with others, and have unrivalled opportunities for taking the pick of the land; the other, that it is in the power of any wealthy individual or corporation to deal the system a staggering blow.

123. For suppose, as a mere illustration, a society founded with the object of relieving the condition of the lower castes; and suppose it commanding a fair supply of funds. Such an organization might get a good deal of land for the Pariahs. It would first apply for all the arable waste in each of the 109 single-enjoyment (yeka-bhogam) villages. The single mirasidar in each case would be obliged at once to take up so much as he wants, leaving the rest for the society. If, however, the mirasidar should take up more than he wants, he would be forced to relinquish portions after a while. By the rules, his preferential right in such portions could never be re-asserted. The society would next attack the institution in villages where there are only two or three shares; where similar effects would follow after a second or third attempt. In villages where the shares are more numerous, nothing could be done.

124. Having in various parts of this paper shown the strength of mirasi, it is only just for me to mention a contrary opinion that has more than once been quoted with approval by the Board and by Government.

125. The question arose in 1887 whether it would be proper to assimilate the land-acquisition rules of this district to those of other districts.

126. In reporting his opinion that the attempt would be premature, the Collector of that year wrote as follows:—

Board's Proceedings, No. 538, dated 23rd September 1887. "The mirasi bugbear is, in my opinion, destined gradually to die a natural death, if left to the ordinary operations of time; but any attempt to summarily abolish it (which an assimilation of our darkhast rules to those of other districts would be tantamount to) would stimulate the patient into at least a temporary revival."

127. I should be the first to plead the cruelty of examining seriously a Collector's phrases. Collectors have not time to write English. But it may be asked in passing how a bugbear can die a natural death any more, say, than a bogey; and (granting the imagery) what great harm could arise from the monster's merely temporary revival on the verge of extinction.

128. But, to pass from the manner to the matter, the reasons assigned by the Collector were—

i. That an open refusal to recognise mirasi claims would undoubtedly meet with strong opposition.

ii. That in three given years the assignment of nearly half an acre to a non-mirasidar for each acre assigned to a mirasidar shows that it is no longer such a difficult matter for an outsider to get hold of land as it used to be.

iii. His belief that the mirasi right does not now operate to any great extent in the way of keeping land out of cultivation that would otherwise be taken up.

iv. That mirasi is destined to die a natural death if left to the ordinary operations of time.

129. These opinions must be taken in their order.

i. Every reform affecting privilege meets with opposition from the privileged class. At the worst, the opposition may be lessened if the State collects the mirasi fee and pays it to the mirasi body.

ii. Considering the vast number of non-mirasidars as compared with mirasidars, it does not seem much to be satisfied with that the former should get not even a third part of the cake. And we have no means of knowing how many of these fortunate outsiders had to pay for their supposed luck. The tahsildar of Ponneri writes:

"What is done in other taluks after an assignment is done here beforehand. When a Pariah wants to get land on darkhast, he applies to the mirasidar to whose share it is supposed to belong. The mirasidar then fixes a price on it and the Pariah pays it. He is then allowed to have the darkhast without objection, and there is understanding among the mirasidars as to the distribution of the booty. These mirasidars were actually trading with their mirasi right, and defeating the whole policy of Government in assigning lands for cultivation free of cost."

iii. To what extent the mirasi preference keeps non-mirasidars away must, of course, be a matter of individual judgment. I am probably, however, correct in supposing that the Collector

(a) had in view the poverty of some lands,

(b) had not in view the desire of Pariahs for land.

(a) All the land which I have spoken of as waste is land specially classed as arable in 1874 by the scientific officers of the Settlement Department. I do not deny, however, that by sand-drifts, floods, the growth of prickly-pear, and other such causes, a portion of it requires expense to reclaim. The Board of Revenue having lately called for explanation of so much unoccupied waste, I have personally investigated the matter in Ponneri and part of Tiruvallur taluks (during the annual inquiry into holdings). I found that the returns of the village accountants were highly misleading. Any land which required a little trouble in preparing, or which the villagers wished reserved for communal purposes (in excess of similar reservations made at the settlement) had been entered as "unfit for cultivation." I am satisfied that the description cannot at the outside be fairly applied to more than 5 per cent. of the waste classed as arable.

(b) The battle in the past has always been between mirasidars and caste non-mirasidars; the possibility of the Pariahs acquiring land was hardly in the minds of district officers, before Mr. Mullaly, the late Sub-Collector, began his benevolent efforts on their behalf. In many parts, at present, the possibility is a new idea to the Pariahs themselves.

They have had no one to teach them to look upwards. Indeed, when one inspects the residents of a Chingleput or Madurantakam paracheri—poor objects, some of them, that look as if they had been brought from Central Africa to exhibit the depths of human debasement—one of the saddest thoughts is that there is no one to care for them, except here and there a missionary unfortunately quite ignorant of revenue and legal intricacies. The one question that can bring a smile to their care-worn faces is why they do not apply for land. "How can we get land?" is the answer, and they think you are poking fun at them.

On receiving this answer the other day in the village of Kanniper, Tiruvallur taluk, I inquired how much waste land there was in the village. There were 130 acres of irrigable land alone, assessed at about 3½ Rs. an acre. "But what is the good," I was asked, "of applying for this? The mirasidars will take it up merely to keep us out." "Well," I answered, "at least you will have the satisfaction of forcing them to pay the assessment. Make the attempt and see." In consequence, the Pariahs put in an application for 30 acres. The mirasidars waited until the last moment, and then put in their objection. By a most unusual chance, they based it not upon their preferential claim, which must have been admitted; but upon an assertion that the land had been reserved for grazing. This assertion was wrong, and to their infinite surprise the Pariahs got the land, which they will shortly improve with wells and make as valuable as any in the village. Emboldened with success, the Pariahs now put in an application for the remaining 100 acres, but the mirasidars were not again to be caught napping and have taken up the land. Here alone the Government will get a land-tax of some 450 Rs. which it has been wrongly kept out of for many years.

I quote this instance, as I might quote others, to show that the Pariahs are keen to take up land, to the benefit of themselves and the State.

Had this fact been in view in 1887, the Collector might have modified his opinion that the mirasi preference does not operate to any great extent in keeping lands out of cultivation. We are now able to consider the matter from the point of view of a far larger body of possible cultivators.

iv. That the mirasi preference will one day be a thing of the past, even if Government takes no action, is, in one sense, a platitude; for a day will come when all the waste lands shall have been taken up. But that it will die before that, or that it shows signs of failing vitality, I take leave to question. Nor does the opinion under notice harmonize with the view expressed at the same time, that the privilege is still highly prized by its owners, and that a non-recognition of it would undoubtedly meet with strong opposition.

130. It is neither probable that a privilege should be falling into disuse, when the growing wealth of the country makes it every day more valuable; nor does history support this view. We have seen that it was not thoroughly established till 1842, and I know of little that has since occurred to weaken it. On the other hand the recognition in 1875 of the mirasi fee on newly occupied waste, the numerous frauds during the settlement whereby village-sites and paracheris were newly entered in the names of mirasidars, and the recognition by Government in 1872 and by the Board of Revenue in 1883 of mirasidars' claims over village-site (claims since indeed rejected) have materially strengthened the position of the mirasidars. In short, I see no sick man dying, as we have been assured, of old age and weakness, but a vigorous if not encroaching tyranny.

131. I am not unprepared to hear my proposals spoken of as revolutionary and as involving the abolition of mirasi right. In one form at least they can hardly be revolutionary in any bad sense, unless the Chief Justice of Madras can be supposed to have recommended revolution. Nor have I proposed to abolish mirasi right. I leave it untouched in all aspects except in its claims to waste and to village-site. The latter claim I believe to be without foundation; the former, so far from abolishing, I would prefer to recognize to the full, but require its exercise either now once for all, or during a specified time in each year. I seek its exercise, and only protest against it lying dormant, to awake solely for the purpose of obstruction.

SECTION XV.

Miscellaneous Observations.

132. I have now to make some miscellaneous observations which have not hitherto found their place.

133. It is not to be supposed that the condition of the Pariahs is equally bad in all parts of the district. In the neighbourhood of Madras and of the salt factories they have to some extent quitted agricultural pursuits and get good wages. On the borders of its ranges too, mirasi loses some of its most forbidding features (the paracheri site for instance not being claimed) though it is equally true that its example infects non-mirasi villages. Oppression is worst in the three southern taluks, and of these perhaps worst of all in Chingleput.

134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

- (a) Bring false cases in the village court or in the criminal courts.
- (b) Obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.
- (c) Have mirasi names fraudulently entered in the Government account against the paracheri.
- (d) Pull down the huts and destroy the growth in the backyards.
- (e) Deny occupancy right in immemorial sub-tenancies.
- (f) Forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting.
- (g) Under misrepresentations, get them to execute documents by which they are afterwards ruined.
- (h) Cut off the flow of water from their fields.
- (i) Without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue.

135. It will be said that there are civil and criminal courts for the redress of many of these injuries. There are the courts indeed; but India does not breed village Hampdens. One must have courage to go to the courts; money to employ legal knowledge, and meet legal expenses; and means to live during the case and the appeals. Further, most cases depend upon the decision of the first court; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathize with the wealthy and landed classes to which they belong.

136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influences to bear upon it in its course from inception to execution. True as this is of the landed classes generally, it is true in a high degree of the mirasidars of Chingleput and Tanjore.

137. People have asked why special attention should be paid to the Pariah when there are other classes of equal degradation. The answer is threefold: that the Pariahs are far and away the most numerous, are collected into villages and are attached to agriculture, so that we can reach them more easily and do more good by reaching them. Secondly, by raising the lowest stratum of society, you raise all the superincumbent strata. Thirdly, the disabilities of the

Pariahs are in some instances the disabilities of all castes alike. The concessions asked for the Pariahs alone (e.g., in the proposed settlements) are not very great when it is remembered that until so late as the settlement of 1875, special advantages in the tenure of land were being conceded to the Brahmans.

Para. 11, Major Stuart's Settlement Report.

138. It is also sometimes asked why the State should do anything for the lower castes; why they should not be left alone to find their own level. The answer is that the policy of the State in the past has degraded them, and the State must retrieve its mistakes. We have permitted ancient privileges to survive until they have become anachronisms, and we have created new privileges. These at least can be confined to their minimum range of harm; and the classes who have been kept back in the race of life can be given a new start.

139. In some quarters I have been misunderstood as advocating a policy of throwing open State lands to all comers. This will, I believe, be the statesmanlike policy of the future, capable of attracting capital more largely and more speedily than any other. For the present, however, except in the pariah settlements, I would restrict the right of occupation to residents of the village, until such time as the poorer classes shall have had full opportunity of occupying all the land they may want.

140. It is also objected that the present state of the law will not admit of all these reforms. If the reforms be advisable this is only an argument in favour of legislation. The Constitution of British India gives a legislature to the Madras Province; and legislatures like studies are not only for delight and ornament but for ability.

141. I have said nothing about the sanitary condition of the paracheris. It is very bad, and no special attention has been paid to it nor indeed has the District Board the necessary funds. Some paracheris have no wells; and when drought dries up the surface pools, the inmates have to stand about near the wells of the caste-folk, waiting until some charitable hand shall draw them a little water.

142. Finally, I fear I may be quoted by ignorant or interested persons in support of the "Poor Ryot." The "Poor Ryot" who writes to the newspapers is generally a mirasidar or some other superior landholder who has sometimes never seen his land and does not even know the names of the different varieties of rice. He is perhaps an attorney, perhaps an official, often a school-boy whom Government is preparing at great expense to take a University degree; but he is very seldom a ryot in more than name. Too often he merely draws rent from his fields, and neither cares nor knows how the cultivator or the farm-labourer lives. Sometimes indeed he has farm-labourers of his own, who live in styes and know kindness neither from God nor man; but he mounts a Madras platform and is eloquent on the subject of the Indian Nation, seeing no inconsistency in demanding equal rights for all.

143. I am afraid of such a gentleman getting hold of one of my paragraphs and instancing it in proof of the poverty of the ryots. I therefore am explicit in declaring that the ryot who holds directly from Government is in my estimation a member of a very fairly prosperous class. The falsity of the misrepresentations on this subject can easily be demonstrated from the sale-deeds in the registration offices, and from the experiments in the yield of crops; but so pleasing a task is beyond my present line.

SECTION XVI.

Abstract of Proposals.

144. The time has now come to exhibit my suggestions in a connected form.

145. I propose then—

- i. That the Land Application Rules of the whole presidency be amended so as to put all residents of each village on the same footing as the present pattadars.
- ii. That in mirasi villages the preferential right of mirasidars be required to be exercised:
 - (a) either once for all,
 - (b) or in the first month of each year.
- iii. That (in the last resort) it be abolished on the State undertaking for the future to collect and pay to the mirasi body a fee of 2 annas in the rupee of assessment on all waste taken up since the settlement of 1875.
- iv. That with this restriction waste land be thrown open to all residents in the village under the rules amended as in (i).
- v. That, at the least, land bought in by Government for arrears or held by non-mirasidars previous to 1875 and subsequently relinquished, should be so thrown open.
- vi. That pariah settlements be formed in the areas unnecessarily constituted reserved forests out of arable waste, and in the large areas lying unoccupied in some of the non-mirasi villages.
- vii. That the lands or at least the poorer lands in those settlements be granted at first on easy terms of assessment, and that the State dig irrigation-wells to be paid for by instalments.

- viii. That pariah and other ryots holding under zemindars be eased by the speedy passing of a Madras Tenancy Act.
 ix. That the Act shall take into consideration and amend the position of Pariahs and others holding under ryots, whether in Government or in zemindari villages.
 x. That the agricultural labourers be redeemed from their present semi-servile condition by a recasting of the Breach of Contract Act.
 xi. That the Pariahs be given the unquestionable ownership of their homes.
 xii. That State-assisted emigration be seriously considered.
 xiii. That the Pariahs be guarded against an excessive number of drink-shops.
 xiv. That the State should recognise more clearly and more directly assume the duty of educating the Pariahs.
 xv. That the sanitation of the pariah hamlets be no longer overlooked.

SECTION XVII.

Anticipated Effect of Proposals.

146. I had intended to reserve this last section to explain the effects I anticipate from these reforms, but it seems needless. The principal fall under four heads:

- To remove the obstacles existing in practice to the acquisition of land by the Pariahs;
 To free their homes from tyrannous claims;
 To free their labour from semi-servile conditions;
 To educate their children.

147. With a little land and a hut of his own, able to read and write, and free to dispose of his labour as he will, self respecting and therefore on the road to respect, the future of the Pariah might be very different from that unhappy present which memories of profound misery have compelled me to delineate.

H. TREMENHEERE.

APPENDIX A.

STATEMENT of unoccupied arable waste for the year 1890.

Taluk.	Particulars of assessed waste in 181 non-mirasi villages.						Particulars of assessed waste in 1,292 mirasi villages.					
	Total assessed waste.		Extent of assessed waste included in the Forest Reserves.		Remaining waste.		Total assessed waste.		Extent of assessed waste included in the Forest Reserves.		Remaining waste.	
	Acreage.	Assessment.	Acreage.	Assessment.	Acreage.	Assessment.	Acreage.	Assessment.	Acreage.	Assessment.	Acreage.	Assessment.
Andápet ..	224	237	..	..	225	237	13,251	17,741	1,495	1,575	11,756	16,166
Onneri ..	2,599	2,333	357	321	2,242	2,012	6,309	9,939	711	638	5,598	9,301
Iravallúr ..	16,091	16,594	4,418	4,429	11,673	12,165	10,209	10,483	621	622	9,588	9,861
Onjeeveram ..	4,038	6,605	50	82	3,988	6,523	12,989	16,266	600	981	12,389	15,285
Chingleput ..	488	535	274	300	214	235	12,916	16,766	2,478	2,717	10,438	14,049
Adurántakam ..	1,142	1,460	..	..	1,142	1,460	29,288	41,802	6,145	6,577	23,143	35,225
Total, Chingleput district.	24,583	27,764	5,099	5,132	19,484	22,632	84,962	112,997	11,050	13,110	73,912	99,887

* REMARKS.

If the proportion of waste in a village be taken, it will be seen that the average is 136 acres for non-mirasi and 65 for mirasi; and it may be objected that this disposes of the theory of mirasi obstruction. But the following observations must be first considered:—

(a) The non-mirasi villages are mostly villages on or near the borders of the district, transferred from adjacent districts. They are thus away from the greatest pressure of population.

(b) Those in Tiruvallúr numbering 82 lie mostly among and along the base of the Satyavedu hills, in a distant and sparsely populated corner, difficult of access. For any comparison these should be deducted, when an average of only 85 acres remains, for 99 villages.

(c) In many of these the obstruction of the pattadars is as strong as the obstruction of mirasidars could be. Indeed, many of them are non-mirasi only in name, and their inhabitants would stare if they were told that no miras exist. In many again, there is only a single pattadar, or perhaps two or three, and they can exercise the privilege of taking up land before outsiders exactly as though they were acknowledged mirasidars. This is one thing I referred to in saying that mirasi influence infects non-mirasi villages.

(d) Further, in mirasi villages, as has already been stated, mirasidars take up more land than they really want, to keep away outsiders; and this practice reduces the extent of available waste.

(e) On the whole I consider the figures only show that there is obstruction to the taking up of waste both in mirasi and in non-mirasi villages in this district.

APPENDIX B.

FINANCIAL.

	Acreage of arable waste.	Assessment. RS.
See Section VI. (a) Non-mirasi villages ..	19,500	22,000
(b) Bought-in lands, say roughly.	1,000	2,000
(c) Resigned lands do. ...	1,000	2,000
(d) Forest reserved out of arable waste ..	16,000	18,000
See Section XIV. (e) Mirasi villages ..	74,000	1,00,000
	111,500	1,44,000

The State now gets nothing from these lands, except from (d) the reserved forest, which returns less than one anna an acre; this is far below what the pariah settlements would pay.

The rest of the arable waste is now being taken up at an average rate for ten years of 5,600 acres a year. If the measures proposed in the text should materially hasten the process, it is obvious that in a few years a considerable increase of revenue would result.

APPENDIX C.

SALE-DEEDS INCLUDING PART OF THE PARACHERI AND SLAVES.

SALE documents of the unirrigable lands executed on the 18th July 1861, corresponding with the 5th day of Adi of Thurmathi (year) by Suria Mudaliyar and Kangasabhai Mudaliyar, sons of Siyala Mudaliyar of Ulalur, Chingleput taluk, in favour of Sundra Mudaliyar's son Vadachella Mudaliyar, and his heirs, of the said place, to wit—

2. From the total share of the village ($\frac{3}{4}$) out of $\frac{1}{4}$ share belonging to us, our father pledging $\frac{1}{4}$ share and permitting cultivation thereof, borrowed from you on the 28th June 1854 Rs. (500) five hundred, having obtained a patta in your name for the lands pledged: On the 26th day of Adi in Pingala year we borrowed Rs. (290) two hundred and ninety on the aforesaid $\frac{1}{4}$ share by executing a supplemental deed: Thus to the total Rs. (790) seven hundred and ninety adding Rs. (10) ten received to-day from you, the whole sum borrowed from you amounts to Rs. (800) eight hundred. For this consideration this day we have sold to you the aforesaid $\frac{1}{4}$ share. The wet, dry and other lands appertaining thereto inclusive of the garden, land, village-site, the western half of the site situated to the west in the Mudaliyar street, leaving out the occupied site on the east of it—are sold to you. Further the site at the Palli street and that at the paracheri belonging to the said $\frac{1}{4}$ share and other village perquisites (samudayam) wet, dry, garden, forest, waste ground encumbered with trees and containing water, hidden treasures and stones, fees paid by oil-mongers and weavers, payments made by those that bale and distribute water, slaves* and every other common right, you shall enjoy.

All these shall be fit for sale and gift by you. You, your sons, grandsons and generations together shall enjoy the same while the sun and moon shine. There is no hindrance for this. Whenever any difficulties arise in your enjoyment, we shall come forward to remove them. Thus ends the deed of share executed by us with free will and consent.

SALE-DEED of the Pangu lands executed on the 1st July 1882 by Parthasaradhi Mudaliyar, son of Narayana Mudaliyar, residing at Perumbakkam (Jari Zemin) in the sub-district of Chingleput, of Thondamandalam Kondaikatti Vellala caste, Vishnuvite and cultivator, in favour of Ratna Mudaliyar, son of Vedachela Mudaliyar, of Ulalur, No. 279 in the sub-district of Chingleput, in the district of the same name, Thondamandalam Kondaikatti Vellala caste, Sivite and cultivator, to wit—

From $\frac{3}{4}$ the total share of the village of Ulalur attached to the aforementioned sub-district of Chingleput, one-eighth share being ancestral property in my enjoyment, patta standing in my name, consisting of lands, &c., is sold to you to-day for Rs. 2,000. The wet, dry, maniem, house-sites under occupation as well as those vacant, the sites at paracheri, tope, well (large)—forest, waste, ground encumbered with trees and containing water, hidden treasure and stones, payments

made by those that bale and distribute water, slaves† and all perquisites appertaining thereto, you shall enjoy. All these shall be fit for sale or gift. Your sons, grandsons and generations to come shall enjoy the same while the sun and moon shine. I shall have the patta made out for

the said share in your name, after filing my relinquishment before Government forthwith. The payments for the lands sold were made as follows:—

	RS.	A.	P.
The amount borrowed by me and ancestors from your father on mortgage with possession of the aforesaid share	1,285	2	0
Amount borrowed by me on a supplemental deed subsequently on mortgage of the same share	314	14	0
Amount received this day by me	400	0	0
Total ..	2,000	0	0

Received on three occasions.

(A true translation.)

APPENDIX D.

THE CONDITION OF THE LOW CASTES.

(From "The Hindu" of 3rd June 1891.)

The philanthropic efforts of the Christian missionaries to improve the condition of the low castes deserve the warm acknowledgment of the Indian public. The condition of these castes is truly miserable. The Hindus do not recognise them as a part of their community and nothing can be more humiliating and intolerable than the treatment that the Pariahs and other low-caste people receive from the Hindus of the higher castes. The Hindu religion has done nothing for them except to prescribe a most abject slavery as the lot for which alone they are fit. The Christian missionaries have treated them in an altogether different spirit. Moved by their deep hatred of caste distinctions and their sympathy for a despised and degraded class they have taken the low castes under their special patronage and already done much to raise them to a high social status. They educate them in their schools, help them in the advancement of their worldly prospect, and elevate their moral and spiritual nature by a high religious training. Apart from the help of the missionaries, the Pariahs have no chance of rising above their present condition of extreme poverty and degradation. An effort is now being made by these benevolent foreigners to move the Government to interest itself in the condition of the low castes. We most heartily sympathise with this effort and hope that it will lead to good results. We are, however, doubtful as to anything very practical being done by the Government. It can, of course, prohibit any illegal ascendancy that the higher castes may claim or seek to exercise over these unfortunate classes. We are told, for instance, that in the Chingleput district a system prevails of agrestic slavery by means of written documents. In former times the Pariahs used to be transferred along with the fields to which they were attached as labourers from owner to owner. That system probably still survives in Chingleput. But we believe it is prohibited by law, and the Pariah is at full liberty to repudiate any such contract. These restraints and others that may be proved to exist might be removed. But it will be obviously opposed to public policy to do anything in favour of the Pariahs in violation of vested interest. Like all other classes, the Pariah too must improve gradually by acquiring a consciousness of his true position. The apathy which characterises the whole Indian population characterises the Pariah also. He has been accustomed for ages to be domineered over by his Hindu masters. He has come to believe that it is his natural condition. He has neither religion nor superstition. He is satisfied with the scantiest and the most repulsive food. Of clothing he and his wife have little. The hut he lives in is the most miserable apology of a dwelling, and is generally overcrowded. He rarely thinks of resenting the most arrogant treatment he is subjected to. He willingly performs the most loathsome work of the village. He now and then seeks an addition to his earning by pilfering and thieving. Yet he is very industrious, patient and faithful. How to produce in the minds of a class like this a feeling of dissatisfaction with the present lot and fill them with elevating aspirations, is the question. What the Government can do is little and can hardly produce the effect we contemplate. Anglo-Indian Government does not recognise any caste distinction. It treats the Pariah just as well as it does the Brahmin. But the difference in their social conditions places the low castes at great disadvantage in utilising the facilities for progress placed equally at the disposal of all classes. The one thing that must be done therefore to redeem them from their present lot is to give them education. The provisions made by the State for the spread of elementary education have not reached these classes. As might be expected the latest educational report of the Government records nothing satisfactory in this direction. On the other hand, it is acknowledged that "the agencies and means available for the spread of education among the aboriginal and backward races" are few and small, and even where agencies and means are available, the extreme indifference of these races to instruction and the aversion they display to any change in their modes of life are almost

* It has already been remarked that the Education Department does not include the Pariahs among these races.

insurmountable barriers in the way of the schoolmaster." We understand that in a memorial which certain missionary gentlemen have addressed to the Government on the condition of the Pariahs, special stress is laid on the need for schools intended exclusively for the children of these classes. We quite approve of this suggestion. It is impossible to expect caste Hindu children and the children of these low classes to study together in the same school. Nor can much be expected from the Local Boards. Not that their antipathy for the low castes, should they manifest any, should be countenanced by the Government, but these Boards have not the means to establish special schools for the benefit of these castes. At the commencement these special schools will not be self-supporting; on the other hand they will involve large expenditure, because the attendance will be very small and the fees levied will have to be almost nominal. What is possible to do to advance education amongst these despised and neglected classes can be done only by the Government. We have no doubt that any practical suggestion for their amelioration will receive earnest attention, and the Government will be perfectly justified in showing special consideration to a class whose condition must be a blot on any civilised social system.

THE DISABILITIES OF THE PARIAH.

(From "The Hindu" of 1st October 1891.)

We have received a copy of a pamphlet with the above name, by the Rev. William Goudie, who read it before the Madras Missionary Conference held in April last. The name of this missionary gentleman has recently come prominently to public notice on account of the interest he has shown in the condition of the distressed people of the Chingleput district. Indeed the active sympathy that these gentlemen are showing to the suffering people in all parts of the country deserve the warm acknowledgment of the native community. And it is in harmony with this sympathy that they have taken up the difficult question of the regeneration of Pariahs: Pariahs are by no means a small community, there being about five millions of them in this presidency, which is over one-seventh of the total population. That they are the poorest, the most neglected, and the most ill-treated class, there can be no doubt whatever. Some Hindus may think that the Pariah has no right to a better condition than he is now in; but that this condition is the most miserable imaginable, the most bigotted Hindu must admit. If the regeneration of the Pariahs does not come from the Government, it must come from the Christian missionaries. They are too ignorant, too poor, and too degraded to be able to help themselves, and the caste Hindus who cannot effect their own regeneration and who believe that the Pariah's present lot is what God has created him for, cannot be expected to do much for him. The Pariah community furnish the largest number of converts to the Christian religion, and the hope of the ministers of that religion labouring in this country is planted chiefly in that community. It is natural therefore that the Rev. William Goudie and gentlemen of his fraternity should cherish warm sympathy for this class and try to raise them to a higher and more civilized position. That the Pariah is not treated with generosity or strict justice by the higher classes of Hindus may be admitted without much positive evidence. For, human nature has not yet reached that stage of moral development when a powerful and intelligent class will deal impartially with its weak and ignorant neighbours. But Mr. Goudie gives a number of instances from which one or two may be quoted here.

"Here again is a Pariah who has cultivated land without permission and without hindrance for nine years and is in possession of receipts to show that he has regularly paid his taxes. He then takes courage and applies for patta. His application is opposed by a mirasidar who obtains the land, but finally leaves the Pariah in possession. Six years later the Pariah ventures to apply a second time for patta, and is opposed this time by a mirasidar from a neighbouring village who has no right, and, while the case is pending, the cattle of the mirasidar are driven into the unrequited field of the Pariah to trample down and graze on his corn. After a tedious case in court he receives compensation for loss of grain, but patta is given in favour of the mirasidar, and after fifteen years' occupancy the Pariah is thrown out. This is lawless oppression, but Pariah has neither the intelligence nor the money to fight his own battles, and it is hard for him to obtain justice.

"Five years ago, in another village, a Christian Pariah applied for a piece of waste land, and was opposed by a casteman who obtained the land, but who afterwards sold a portion of the land to the Christian for Rs. 15 and gave a deed of sale; after four years he drives his ploughs into the field formerly sold and defies the Christian to interfere. The Christian under advice borrows money and sues for damages, but he may probably ruin himself with debt and wait a whole year before the case is disposed of.

"About two years ago, two Pariahs in a neighbouring village applied each for a plot of waste land. Both applications were opposed by mirasidars and lost. In both cases the successful mirasidars came to the Pariahs and said: 'Look here now, we have got this land, but we don't want it, we will sell it to you for Rs. 50 each.' The Pariahs reply that they have no money. 'Never mind,' say the mirasidars, 'we will send you the money and you can pay us at your convenience, the interest will only be 7 per cent. per mensem.' The Pariahs do not see the madness of the proposal and close with the offer. They at once become debtors, and do what they will, cannot pay the interest of the so-called loan. One of these men, after giving year after year all that he could, i.e., a large share of his crops, to meet his debt, has just signed a fresh bond for

Rs. 150 still bearing interest at six per cent. per mensem. By and by the creditor will seize and sell both the land in question, and any other property that the man has, to meet what will be called a *bonâ fide* obligation."

Against these wrongs, Mr. Goudie says, the Pariahs have practically no remedy. "The present state of the law either upholds the mirasidar in excluding him from all occupancy of the soil or fails to take cognizance of illegal influences used to that end." The Pariah has at present little, or no chance of justice. He is too poor to resort to our courts; and even if he manages to do so by mortgaging his personal property, if he has any, or his personal freedom, the caste mirasidar by his superior resources wins over the Pariah's witnesses and his vakil. It is also quite true, as Mr. Goudie says, that the Pariah suitor can be so badgered owing to his ignorance and simplicity as to fall into self-contradictions which lead to the ruin of his case. Against the judicial officers in the districts, Mr. Goudie brings a serious charge which we are unwilling to believe. These officers are said to make the Pariah give evidence from outside the court and through the medium of peons. Moreover, Mr. Goudie says, the *argumentum ad hominem* is from bench and counsel almost invariably used against him. Should any judicial officer be found guilty of such wrong procedure, we hope the Government will call upon him to justify himself. These disabilities of the Pariahs are, however, more or less well known to exist: and the more practical part of the question is therefore the remedy that can be adopted to remove these disabilities. Mr. Goudie does not hope that private efforts will avail much and thinks that the Government must interfere. He suggests that a commission of inquiry should be appointed to investigate into the whole matter. "We have departments for the protection of forests," says Mr. Goudie with apparent feeling, "for the protection of wild beasts, and even for improving the breed of country cattle. It should not, therefore, be thought an unreasonable thing were we to ask for a new department, a department for the protection of the Pariahs and other out-caste classes." Mr. Goudie points out in conclusion the improvements to which the labours of such a commission or department should lead. In the first place, the law and recognition of mirasi right should be wholly abolished and every facility given to the Pariahs and other out-caste people to take up waste lands. The *chary nattam* or the Pariah quarter of the village should be declared to be the exclusive property of the Pariah residents. A law should be passed to regulate the transactions between the mirasidar and the Pariah tenant. The mortgaging of persons for money received must be regulated, if not abolished. More should be done by the Government for the education of the Pariahs than is being done at present. Mr. Goudie also suggests that the social customs of the Pariahs should be studied by the officials and recorded. There is nothing binding in a Pariah's marriage, men changing their wives and wives changing their husbands according to their fancy, and Mr. Goudie thinks it should be easy for Government to determine what constitutes marriage among this people and establish some law that would restrict and regulate divorce. There is little that is revolutionary in these proposals of Mr. Goudie's, and we fully share in the generous sympathy that actuates these Christian friends of this despised and degraded class. We have repeatedly acknowledged that the lot of our out-castes reflects little credit on the Hindu religion or civilization; and, while their own countrymen neglect and ill-treat them, it is inevitable that they should gradually join the Native Christian community and cherish no great regard for the Hindus who kept them under slavery for several centuries. The mass of the Hindu community will, of course, oppose the present missionary movement to raise the position of the Pariahs. They will oppose it, because the movement will disturb their present position in the agrarian system of the country and also because of their jealousy of the Christian ministers. But we do not see how any educated Hindu can help sympathising with the movement.

Resolution—dated 19th August 1892, No. 584-A.

Preliminary remarks.—In March 1891, when reporting on the state of the season in parts of the Chingleput district which had suffered from failure of the usual rains, Mr. Tremeneere remarked that he had met some 60 or 70 Pariahs of the village of Senneri, in the Chingleput taluk, "whose condition, though none except habitual beggars were in present and actual want of food, would (he thought) have moved a heart of stone," and added that, as a class, "a large proportion of them (the Pariahs) are always badly nourished; clad, if at all, in the vilest of rags, eaten up with leprosy or other horrible diseases, huddled together like pigs, untaught, uncared for, and unpitied," and that "the day cannot be far distant when the public conscience of England, if not of India, will wake up to the condition of these unhappy wretches and to the easy means of ameliorating it."

In submitting this report to Government the Board, in its Proceedings, No. 132, dated 10th March 1891, observed that "any measures which the Collector could suggest for the amelioration of the condition of these poor people should have the fullest and most careful consideration," and Government, in para. 3 of its order,

No. 212, dated 17th March 1891, desired to have a special report as to the easy means of amelioration referred to by the Collector.

2. The note received with the letter read at the head of this paper contains the further detailed report submitted by Mr. Tremeneere.

3. The note opens with quotations from the Madras Manual of Administration in which the Pariahs of this Presidency are referred to as a community of hereditary slaves whom the British Government has freed from a state of bondage and its concomitant legal disabilities, though they "still remain at a low depth of social degradation"; and from the *Hindu* newspaper of the 7th August 1891, in which the Pariah is described as one "whom the leading classes have done their best to degrade and sink, keeping him outside the pale of Hindu society, and exacting from him the meanest and most repulsive work, while the Hindu religion recognized no provision for their spiritual needs, and their industrial system allotted to them no particular industry; vide paras. 2 and 3 of the note. In Appendix D to his note, Mr. Tremeneere gives an extract from the same newspaper of the 1st October, in which the Pariah is described as belonging to "the poorest, the most neglected and the most ill-treated class . . . too ignorant, too poor, too degraded to be able to help himself." After giving some further quotations dealing with the present unsatisfactory position of this class, taken from the reports of Mr. Lee Warner, Collector of Chingleput, and from Mr. Mullaly, the Sub-Collector (written between 1888 and 1890), he proceeds to describe the difficulties under which the Pariah labours in common with all non-mirasidars in his endeavour to obtain lands for cultivation in the Chingleput district owing to its peculiar land tenure (the mirasi tenure), and to discuss the difficulties incidental to the Pariah's position as a ryot under a zamindar or as holding land under a ryot, owing to the unsatisfactory condition of the law of landlord and tenant in this Presidency. He describes the mirasi system at some length, and shows the steps which, in his opinion, should be taken to do away with the disadvantages which it imposes on would-be cultivators. He proposes modifications of the law of landlord and tenant with a view to place the tenant on a fairer footing. He refers to the disabilities which the Pariah suffers in being liable to be turned out of his house at the will of his landlord; to the undue facilities for drink placed in his way by the multiplication of drink-shops; to the backwardness of education among the Pariahs due to the refusal of the caste people to associate with them, and to their consequent practical exclusion from the ordinary public schools, and he suggests certain measures for the amelioration of the condition of the Pariah, the effect of which he anticipates would be (para. 146):—

- to remove the obstacles existing in practice to their acquisition of land;
- to free their homes from tyrannous claims;
- to free their labour from semi-servile conditions;
- to educate their children.

The suggested improvements are briefly: (1) to enable the Pariahs to obtain lands in Government villages by amending the darkhast (land application) rules throughout the Presidency generally so as to do away with the preferential claim of the pattadars of the villages over mere residents thereof; and by so amending the rules in mirasi villages as to require the preferential rights of mirasidars to be exercised once for all, or in the first month of each year; or by doing away with them once for all by allowing the mirasidars a fee on all waste lands taken up by non-mirasidars; (2) to establish Pariah settlements in the waste lands or in the forest reserves, and to grant land on easy terms, the State digging irrigation wells to be paid for in instalments; (3) to improve their condition as tenants in zamindaris and as sub-tenants whether in zamindari or Government villages by an amendment of the law of landlord and tenant; (4) to relieve the Pariah labourer from his state of semi-servility by recasting the Breach of Contract Act (XIII. of 1859); (5) to secure for the Pariahs the right of ownership of their house-sites which is now claimed by the mirasidars; (6) to encourage State-assisted emigration; (7) to discourage waste of money in drink by reducing the number of liquor-shops; (8) to organise a comprehensive system of State education for Pariahs; and (9) to improve the sanitary condition of Pariah villages."

4. **Pariah population of the Presidency as a whole and of the district of Chingleput.**—The following table shows the number of Pariahs and other low castes in each district of the Presidency according to the census of 1891. The figures are, however, subject to correction, the figures of the census not yet being officially published:—

Name of district.	Males.	Females.	Total population.
Ganjam	30,398	33,631	64,029
Vizagapatam	98,833	101,846	200,679
Godavari	242,454	249,258	491,712
Kistna	171,524	166,473	337,997
Nellore	137,958	133,215	271,173
Kurnool	57,958	56,014	113,972
Bellary	48,474	48,537	97,011
Anantapur	48,839	47,593	96,432
Cuddapah	87,774	84,392	172,166
North Arcot	198,164	196,931	395,095
Chingleput	157,115	153,450	310,565
Madras	30,750	31,878	62,628
South Arcot	290,015	292,959	582,974
Tanjore	272,089	295,632	567,721
Trichinopoly	80,500	85,738	166,238
Madura	102,964	112,185	215,149
Tinnevely	64,306	71,769	136,075
Coimbatore	124,163	128,372	252,535
Salem	116,598	121,714	238,312
Nilgiris	8,038	6,382	14,420
Malabar	125,868	134,730	260,598
South Canara	52,416	62,189	114,605
Total	2,547,198	2,614,888	5,162,086

It will be seen that the total Pariah and low caste population of the whole Presidency is now presumably not less than 5·16 millions. Compared with the population of this class as returned in the census of 1881, there is thus an increase of 750,000 or 17 per cent. The Pariah population of Chingleput is 310,565 or 27·31 per cent. of the total population of the district and 6·3 per cent. of the total Pariah population of the Presidency.

	1871.	1881.	1891.
Males	122,161	122,770	157,115
Females	116,663	120,827	153,450
Total	238,824	243,597	310,565

Chingleput differs materially from their condition elsewhere, and any measures taken for the relief of the Pariahs of Chingleput must be extended to the whole Presidency.

5. **Their condition previous to the advent of British rule and their present condition.**—Previous to the advent of the British rule the condition of a portion of the Pariah classes in the Chingleput district was practically that of predial slaves; they were bought and sold with the land; but the researches of Mr. Place and others at the end of the last and the beginning of the present century show that even then the Pariah labourer was always treated with great consideration by the mirasidars. In para. 36 of his report dated 6th October 1795, Mr. Place wrote as follows:—

“There is a peculiarity in the mutual conduct of cultivators and their servants partaking with regard to the latter both of bondage and freedom, which deserves to be noticed. The servant engages in the service of a cultivator at the beginning of the year, on the customary terms of the village to which he is conciliated, and binds himself by the acceptance of betel, unless in those cases which I before noticed as inducing one party to demand and the other to grant exorbitant terms, and his servitude expires with the year, during which it seldom happens that he is guilty of desertion if those terms are faithfully observed towards him. Many from good treatment acquire an attachment to their masters whom no inducement almost could prevail with them to desert; yet the ceremony of withdrawing

themselves at the end of the year and recontracting for their labours is invariably renewed; for the disposition of each party towards the other is so well understood, that this retirement is never further than the adjoining village, and if, under such disposition, one should not allow a reasonable time or the other refrain to offer a renewal of the contract within that time, the complaint would be equally heavy; thus long residence creates attachment and a kind of inherent right, which it is for the interest of both not to violate and in fact perpetuates a servitude which is reconciled to the bare forms of freedom with but few of its privileges. There are some servants who are considered altogether slaves attached to the soil and are transferred with it from one purchaser to another, entitled however to all the privileges of the former class. Whence this distinction arises and what may be its intrinsic nature will be the subject of future inquiry.”

6. Mr. Ellis, who was Collector of the district from 1810 to 1819, also wrote: “a custom prevails among the slave castes in Tondeimandalam, especially in the neighbourhood of Madras, which may be considered as a periodical assertion of independence. At the close of the Tamil month ‘Auni,’ with which the revenue year ends, and the cultivation of the ensuing year ought to commence, the whole of the slaves strike work, collect in bodies outside of the villages, and so remain until their masters, by promising to continue their privileges, by solicitations, presents of betel and other gentle means, induce them to return. The slaves on these occasions, however well treated they may have been, complain of various grievances, real and imaginary, and threaten a general desertion; this threat, however, they never carry into execution, but after the usual time, everything having been conducted according to mamul, return quietly to their labours.”

Referring to this passage Mr. Crole, in his Manual of the Chingleput District, remarks as follows:—“The above is a description of slavery under its mildest and most benignant aspect. An institution from which the mind revolts, owing to the horrors and degradation incidental to it in other and modern countries, is here presented so as to contrast favourably with the state of conquered peoples, even when nominally free; elsewhere. It is not astonishing, therefore, that without any formal act of emancipation, the British administration has been able to work a silent revolution, which, while it has left the proper relations between the cultivating class and their farm servants undisturbed, has made the latter as free as any other class of Her Majesty’s subjects.” Dr. Cornish in his census report of 1871 (page 170) remarked:—“As regards their occupations the despised race of Pariahs do not now materially differ from any other class of the community.”

7. In para. 4, Mr. Tremenhoe quotes the opinion of Mr. Lee Warner that “a large proportion of the population lives from hand to mouth, is badly housed, ill clothed, and compelled to be satisfied with a nutriment far below the sufficiency diet agreed upon by doctors as a necessity of life.” The Board, however, when reviewing Mr. Lee Warner’s report, was of opinion that the picture was overdrawn and was hardly borne out by the reports on which it was based. The Deputy Collector of Tiruvallūr, while stating that the condition of the lower agricultural classes generally was anything but encouraging, admitted that their general appearance was “fairly good,” that they seem to “be quite reconciled to their lot and not anxious in any way to improve their condition, notwithstanding the fact of their nearness to the metropolis, which affords ample scope for high-priced labour”; and in another report furnished to the Collector by the Rev. Mr. Andrew, the Pariahs, though they were said to be “in a wretched condition,” were described as “being hardworking and muscular.” In the face of these facts the Board found it difficult to believe that they suffered under any actual insufficiency of food. On a previous occasion, when reporting on the condition of the poorer classes of the population, Mr. Lee Warner expressed similar views on the subject, but they were rejected by Government as being opposed to the testimony of the Hon. Mr. Price, who had been Collector of the district for several years and who was of opinion that the condition of the people was far from unsatisfactory and that it had improved in a marked degree within the past ten years. The Board, as at present constituted, sees no reason to differ from the conclusions then arrived at. The

conditions of life of the Pariah, like those of most labourers in every country, are hard, and owing to his own habits of general uncleanness and to the squalor in which he is content to live, they are, in the Pariah's case, peculiarly unlovely, but he has enough to eat, and it is, in the Board's opinion, exceptional to find him not well nourished. His hut is mean, and the surroundings of his village generally squalid, and his clothes are few and dirty, but clothes are little needed in an Indian climate, and the hut is but little used save at nights; an improvement in their habits and their mode of life will come eventually, but it must come by slow degrees, as the result of example and of education.

8. **Mirasi system.**—In sections IV., V., and XIV. of his note, Mr. Tremienheere gives a brief explanation of the mirasi system and its effects, both on the prosperity of the district generally and on the economic condition of the Pariahs.

9. Briefly, the system, as it at present* exists, rests on the claims of the mirasidars to all the waste lands in their village and to the levy of swatantram or fees from payakaris or non-mirasidars who may take up land for cultivation. This claim was fully recognized in the new settlement carried out in 1876-78 (*vide* G.O., dated 15th February 1876, No. 221), and, after full consultation with the mirasidars, a manorial fee (swatantram), fixed at an average rate of annas 2 on every rupee of Government assessment, was declared to be leviable by the mirasidars not only on every field lying waste in each village, but also on all lands now held by the mirasidars themselves and included in their pattas, should such lands be subsequently relinquished and taken up by a non-mirasidar. The fee claimable on each field was duly entered in the settlement registers against every field liable to it. The only lands against which fees were not entered were those which had already been obtained by strangers and which were held under lease or patta from Government. The absolute right of the mirasidars in the waste lands of their villages was finally settled by the courts in 1883 when the Government was compelled by the High Court to pay compensation to the mirasidars of the Vyasarpadi village, near Perambur, for waste lands taken up for public purposes. Sir Charles Turner's judgment is given in Board's Proceedings, dated 14th June 1883, No. 1725, and is extracted below:—

"It has always appeared to me that the mirasi tenure of Madras, Chingleput, and Tanjore originally differed little from the zemindari tenure, which obtains generally in Northern India. In the disturbances which preceded the introduction of British rule, the rights of mirasidars, though to a certain extent recognised, were not always respected, and when inquiries were made with a view of ascertaining precisely the incidents of the tenure, the replies received, though agreeing in many principal features, differed in details. Nothing was done to secure either an accurate record of the rights of the mirasidars in each village as was attempted, if not effected, in Northern India on the occasion of settlement, nor was any general rule introduced to remove the uncertainty in which the inquiries instituted by the Government had left the matter.

"The introduction of a revenue system which required payment of revenue for cultivated lands and enabled the person accepting an engagement to relinquish that engagement in respect of any part of the lands he had either no means or no inclination to cultivate added to the confusion of rights.

"One question constantly occurring was the right of the mirasidar to waste. The better opinion appeared to be that he had a right to the waste, even though he paid no revenue for it, but that if he omitted to cultivate what was cultivable or to provide for its cultivation by paikaries, the Government might issue pattas to strangers for its cultivation.

"Then resulted a long struggle between the mirasidars and the Government, the former unable to cultivate and unwilling to pay assessment on such of the land over which they claimed rights, and, on the other hand, resisting the introduction of strangers. When pattas were granted to strangers, the mirasi right was not altogether lost and in some villages the mirasidars succeeded in obtaining from the ryots introduced by Government recognition of their interest in the soil by the payment of small cesses.

"From the authorities I have consulted on this and other cases which have come before the court, I hold that the mirasidars have, in this part of the Presidency, certain property in the waste, and that property enables them to dispose of the occupancy of the lands, subject of course to the payment of revenue, and that this property is not necessarily lost by non-payment of revenue. I need not refer to any further authority than the replies made by Mr. Ellis and Mr. Sankariah, who was for many years serishtadar in the Huzur Cutcherry of Madras. Mr. Ellis was of opinion that mirasi right, wherever it exists, certainly extends to waste. He distinguished between cultivable waste and immemorial waste—he considered they had the former, as they held the tax-paying lands of the village and might cultivate it or let it; but that in the immemorial waste, though they had the right of cutting wood and quarrying (which is generally regarded as an indication of ownership), they had no right of cultivation and could not break up pasturage, nor cut down productive trees, such as palmyra and cocoanuts. Mr. Ellis' opinion as to immemorial waste would probably have been more accurate if he had confined it to waste adjoining mirasi lands over which the mirasidars had such qualified rights as are not uncommonly enjoyed by the owners of village lands adjoining immemorial pasture or woodlands.

"Mr. Sankariah was of opinion that the mirasidars were entitled to all waste lands included in the gramataram or register of the lands of the village, and he mentioned that, when the Government was desirous of giving to any one in rent-free tenure either a mirasi village or the waste lands or any extent of ground within the limits of the village, the value of the proprietary right therein was ascertained and paid to the mirasidar, and that if the proprietary right was not so purchased, the holder of the grant was entitled only to the Government revenue. He added that the sale could not be made without the consent of the mirasidar, who was at liberty to refuse the price offered, or to stipulate for a grant of other lands in exchange.

"Mr. Ellis reported that mirasi right had always been, and was when he wrote, saleable in Madras, that such a sale generally was made of a certain share in the village; but sales of plots were also made of plots free of the mirasi right—*Mirasi Papers*, pp. 205—207."

10. It is impossible at the present day to question the rights of the mirasidars. It is altogether unnecessary to consider whether the survival of these mirasi claims is due, as remarked by Mr. Tremienheere in paras. 110 and 111, to the conservative effects of the decisions of the Mayor's Court of Madras in the latter half of the last century when the British territory was confined to Madras and its neighbourhood, or to the researches of Mr. Place in the last decade of the century, or to the fact that the introduction of the ryotwari system about 1816 was entrusted to Mr. H. J. Ellis, "a distinguished and fond student of ancient tenures and author of a treatise on mirasi" and upon whom and his Brahmin Native Assistant "the Courts have leaned in their interpretations of the law" without perhaps giving sufficient "weight to the consideration that for different reasons the antiquarian and the Brahmin were both extremists." As forcibly remarked by the Board (Board's Proceedings, dated 1st April 1874, No. 754, para. 8, Board's Proceedings, dated 25th May 1875, No. 1415), "the system is strongly rooted in law and immemorial custom. It is there and must be regarded in many respects neither more nor less than a great but necessary evil." "It is of great antiquity," "is dearly cherished," and has existed with more or less vitality "notwithstanding many years of persistent efforts to crush it."

11. Difficulties in the way of outsiders acquiring lands in mirasi villages as compared with non-mirasi villages.—

In a despatch dated July 1841, the Court of Directors ordered that the preferential claims of the mirasidars to take up arable waste as against payakaris or strangers should be invariably respected. In 1869, special darkhast rules (or rules governing applications for land for cultivation) were prescribed for the Chingleput district in which this preferential claim was distinctly recognized—Board's Proceedings, dated 22nd April 1869, No. 2710. In 1887, a proposal was made to assimilate these special rules to those of other districts in which mirasi rights are not recognised, but Government declined to sanction the change (G.O., dated 21st October 1887, No. 6297, recording Board's Proceedings, dated 21st September 1887, No. 588). The chief point of difference between these special rules and those prescribed for other districts, apart from the fact that any land in Chingleput obtained by a non-mirasidar must pay two annas in the rupee of assessment as a manorial fee to the mirasidars, is that, in mirasi villages, the mirasidars have preference over all comers, while in non-mirasi villages, the preference is confined to those who own lands adjoining those applied for, and to

pattadars who take precedence over those who do not hold lands. As, however, in the majority of cases, waste lands fit for cultivation are to be found generally in the vicinity of existing holdings and as the term pattadar has been held to include landholders not resident in the village (G.O., No. 260, dated 26th February 1884), the practical effect of the two sets of rules in excluding outsiders or non-pattadars is the same in both cases. Whatever the mirasidars can do in a mirasi village, the adjacent landholder and the pattadar can do, with equal effect, in a non-mirasi village, and it follows, therefore, that the Pariah sub-tenant or labourer in Chingleput, striving to rise to the position of a landholder, can hardly be under any greater disadvantages than his co-labourer in any other district of the Presidency. Mr. Tremenheere holds (para. 15) that in non-mirasi villages "the mere pattadars' privilege is revocable by the State at will." The privilege, however, is one of long standing and is highly valued, and its abolition would meet with grave opposition. Previous to 1864, when the mirasidars generally managed to obtain liberal remissions on one pretext or another, they were able to make great use of this privilege and to shut out the payakaris by taking up whatever land they applied for, and by resorting to "numerous devices," as described in para. 23 of Mr. Tremenheere's note, to escape payment of the Government dues, but "since then the rule as to payment for lands taken up and retained in the patta has been more strictly applied, so that the payakari has now a chance of obtaining what he wants and the old dog-in-the-manger system has received a well deserved blow." These were the remarks recorded in 1874 by Mr. Banbury, the Director of Revenue Settlement, in his report on the settlement of the Chingleput district, of which he had been previously Collector. In the paragraph from which the above quotation is taken, Mr. Banbury further stated: "Practically by the present procedure no harm is done; the mirasidar or *soi disant* mirasidar gets the first opportunity of taking up the waste tendered for, and thus his rights are maintained, provided he pays the assessment on the new occupation; the Government obtains enhanced revenue by increased cultivation, and the payakaris get a chance of extending their holdings in villages other than their own. The payment of fees which the payakaris have agreed to pay or will hereafter agree to pay to mirasidars as their sub-tenants is, of course, recognised by the courts, and the practice continues, but as matters now stand, there is no bar, as heretofore, to the cultivation of waste."

12. Extent of lands acquired by non-mirasidars.—Since the date of Mr. Banbury's report and the introduction of the new settlement between 1876-78, during which the claims of the mirasidars to swatantrams or fees were conceded, the difficulties in the way of outsiders acquiring lands have further diminished, though not perhaps to the extent anticipated. The great famine of 1876-78 swept away a large portion of the population, and it was also found that the mirasidar's fees could not be collected except by resort to the civil courts. Nevertheless, Mr.

Johnson was able to report in 1887 that, in the three years preceding, the non-mirasidar took up nearly half an acre of

land for every acre assigned to the mirasidar, which means that in the three years ending fasli 1295 (1885-86) the non-mirasidars got about 11,200 acres, out of the total area newly assigned during the period. If similar results have been obtained

Fasli.	Total extent taken up. ACRES.	Fasli.	Total extent taken up. ACRES.
1293 ..	11,335	1296 ..	14,094
1294 ..	11,566	1297 ..	17,336
1295 ..	10,664	1298 ..	14,143
		1299 ..	10,205
		1300 ..	8,041
	33,615		63,819

bar to the acquisition of land by non-mirasidars.

It is important to realise in this connection that the mirasidars are not large landholders retaining huge estates which it is impossible for them personally to cultivate. On the contrary, the average holding is small, the total number of

holdings in fasli 1300 (1890-91) being 92,656 and the average area of each holding only 6.7 acres.

13. Extent of lands acquired by Pariahs.—How much of the acreage referred to above has fallen to the lot of the Pariahs it is not possible to say, though the extent is doubtless small. In para. 28 of his note, Mr. Tremenheere states that, in the whole district, they hold only 14,500 acres, but there are no means of verifying the figures in this office. An examination of the original returns of Tahsildars obtained from the Collector's office shows, however, that in numerous villages the Pariahs hold some plot of land on patta, and that the aggregate number of such pattas in ryotwari villages is about 6,800, with an average of 2.15 acres per holding. This is exclusive of inam lands held by them, for which information is wanting, except for three taluks, in which the inam area amounts to over 3,700 acres held by 1,378 Pariahs. Particulars of the extent held in each taluk are given below:—

Taluku.	Total number of Gov- ernment villages.	Number of villages in which Pariahs hold patta lands.	Extent of lands held by Pariahs.							
			Government land.						Inam land.	
			In non-mirasi villages.		In mirasi villages.		Total.			
			No. of holdings.	Extent.	No. of holdings.	Extent.	No. of holdings	Extent.	No. of holdings.	Extent.
Ponnéri	153	111	250	706	883	2,335	1,133	3,041	} Not reported.	
Tiruvallūr	224	137	726	1,857	692	1,639	1,418	496		
Saidāpet	211	59	8	8	344	780	352	3,788	430	275
Chingleput	236	99	3	13	724	2,317	727	2,330	} Not reported.	
Madurantakam	352	144	92	106	2,103	1,639	2,195	1,745		
Conjeeveram	297	128	279	801	686	2,294	965	3,095	341	831
Total ..	1,473	678	1,358	3,491	5,432	11,004	6,790	14,495	1,378	3,723

The figures apparently relate to fasli 1299 (1889-90). In some of the villages visited last month by the Sub-Assistant Director of Agriculture, he found that the

Taluk.	Village.	As originally reported.		As ascertained by the Sub-Assistant Director.	
		No. of holders.	Extent.	No. of holders.	Extent.
Tiruvallūr ..	Ikkadu ..	11	33.6	13	37.86
	Tharamani.	6	18.48	21	51.97
	Velaicheri.	15	26.71	23	76.61
Saidāpet ..	Thirumudi-vakkam.	6	7.39	15	25.69
	Palantandalam.	16	24.86	54	125.21

This may be due either to errors in the original returns, or, perhaps, in some cases, to additional lands having been taken up since by the Pariahs. Though the extent of land actually held on patta by the Pariahs in ryotwari villages is thus comparatively small in the aggregate, yet the fact that they have been able to acquire as much as they have done in so many villages in the district would seem to show that they labour under no greater difficulties than others, in consequence of the mirasi system, and that the difficulties under which they do labour are by no means insuperable.

14. Proportion of Pariahs having an interest in land as shown by the recent census.—The above view is fully confirmed by the results of the census tabulation recently made under the orders of Government by Mr. Stuart (Census Superintendent) showing the occupations of the Pariahs, both in Chingleput and in South Arcot and Tanjore. These three districts contain the largest proportion of the Pariah population, amounting to 28.3 per cent. of the total population of this class in the whole Presidency.

15. The following table shows the proportion of Pariahs having an interest in land and those following other occupations in the three districts referred to; under Pariahs being included chucklers, toties, pallas, and similar out-castes:—

Occupation.	Chingleput.		South Arcot.		Tanjore.	
	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.
(a) Land occupants	110,470	35.6	236,302	40.5	133,425	23.5
(b) Agricultural labourers	82,034	26.4	168,467	28.9	321,919	56.7
(c) Other labourers	101,787	32.8	150,144	25.8	56,503	10.0
Total ..	294,291	94.8	554,913	95.2	511,847	90.2
(d) Traders	2,258	0.7	2,909	0.5	9,502	1.7
(e) Artizans	318	0.1	973	0.2	3,549	0.6
(f) Others	13,698	4.4	24,179	4.1	42,823	7.5
Grand Total ..	310,565	100.0	582,974	100.0	567,721	100.0

No distinction is made in the above table between those actually exercising an occupation and the persons depending upon the workers. Under land occupants are shown (1) land-holders—(a) cultivating, (b) not cultivating; (2) tenants similarly divided; and (3) lessees of villages.

16. Taking the whole pariah population as above grouped, it is observed that no less than 35.6 per cent. of the number in Chingleput is classed under land occupants; in South Arcot the proportion is 40.5 per cent., and in Tanjore 23.5 per cent. In Chingleput, more than one-fifth of the total number of land occupants and more than two-thirds of the agricultural labourers are Pariahs. Of the pariah land occupants, 38,891 or 35.21 per cent. are said to possess proprietary* right in their farms, while 71,579 or 64.79 per cent. are mere porakudis or sub-tenants. Compared with South Arcot and Tanjore, the figures stand as follows:—

Districts.	Pariahs having proprietary right.		Pariah sub-tenants.	
	Number.	Percentage.	Number.	Percentage.
Chingleput	38,891	35.21	71,579	64.79
South Arcot	196,621	83.21	39,681	16.79
Tanjore	35,479	26.59	97,946	73.41

Thus Chingleput compares favourably with Tanjore, not only as regards the proportion of Pariahs who are land occupants, that is, who have some interest in land, but also as regards the proportion of those who have "a proprietary" (or rather occupancy) right in their farms. The very large proportion of the latter class in South Arcot is ascribed by Mr. Stuart to the comparatively smaller proportion of caste proprietary population (Brahmins and Vellalars), as evidenced by the census returns of 1871 and 1881, and to the lower value of land in that district, the greater portion of which consists of dry lands, which it is generally easier for the poorer classes to take up than irrigated lands. In South Arcot, less than 24 per cent. of the cultivated area is wet, while in Chingleput and Tanjore it is 56.10 and 73.56 per cent., respectively.

NOTE.—Taking the total area irrigated, 1st and 2nd crop, under Government and private works, the irrigated area amounts to 30 per cent. in South Arcot, 62 per cent. in Chingleput, and 77 per cent. in Tanjore.

17. Taking the several taluks of Chingleput, it will be seen that the proportion of pariah land occupants to the total pariah population varies from 35.34 to 44.74 per cent., omitting Saidápet, where it is only 22.25 per cent. The cause of this low percentage in the head-quarter taluk of the district is not easily explainable, unless it be due to the fact, that, owing to its poorer soil and its close proximity to the Presidency town, farming is less remunerative than other occupations.

Taluk.	Total of land occupants.	Total population.	Percentage.
1. Madurantakam ..	26,953	76,335	35.34
2. Saidápet ..	15,885	71,360	22.25
3. Conjeeveram ..	20,405	47,240	43.29
4. Tiruvallúr ..	20,391	45,574	44.74
5. Ponnéri ..	12,683	35,221	36.01
6. Chingleput ..	14,123	34,835	40.54
District Total ..	110,470	310,565	35.6

Excluding the Saidápet taluk, the proportion of pariah land occupants in the rest of the district comes to 39.54 per cent. Taking only the male adult population, Mr. Stuart shows that 38 per cent. of the Pariahs in Chingleput are land occupants, as against only 27.1 per cent. in Tanjore and 44 per cent. in South Arcot, and that for the three districts together the proportion comes to nearly one-third (32.9 per cent.).

In the face of these facts and considering that less than a century ago these degraded classes were in the position of slaves, Mr. Stuart observes "that it is idle to contend, as Mr. Tremeneheere does, that the possession of land is closed to the Pariahs."

18. The remarks in regard to the levy of fees on non-mirasidars and the particulars of the extent of land now held by ryots given in paras. 11 to 14 deal with ordinary ryotwari villages. As regards zamindari villages Mr. Tremeneheere states, in para. 35, that "though the Pariah cannot generally acquire the ownership of land in Government villages, he does not find the same difficulty in zamindari villages, in which the mirasidar's claims are much more cavalierly treated and where, with comparative ease, the Pariah becomes a tenant." There are also 181 villages in the district, with 19,400 acres of cultivable waste, in which, according to Mr. Tremeneheere's own showing, the mirasi difficulties do not exist; while, even as regards the 1,292 mirasi villages, in which about 74,000 acres of arable waste are said to be "crying* out for tillage like the fields in the fairy tale" (para. 107), it is obvious that there must be a limit to the extent to which the mirasidars can carry their opposition to the payakaris acquiring lands. They have already, it is said, more land than they can cultivate, and as their ability to keep out the Pariah depends on their willingness to take up the land themselves and pay its assessment, it is clear that, if the payakari or the Pariah goes on applying for waste lands, as he may naturally be expected to do if he is eager to set up as a landholder, it is impossible that the mirasidars can maintain the struggle for any length of time as they will thereby only ensure their own ruin by further adding to their holdings. Their old tactics cannot now be repeated, and as the assessment on all the lands taken up is no longer remitted with a free hand, but is always rigidly exacted,† the mirasidars must, in the end, suffer in the contest and allow the non-mirasidars a fair chance of acquiring lands on their own account on payment of a small manorial fee.

Para. 23. As an instance of land being obtainable for the asking in certain cases, the case given by the Collector himself, in para. 129, clause (b), of his note, may be quoted. There the Pariahs of Kanniper became possessed of 30 acres of wet land on an application made to the Collector.

* From 25,000 to 29,000 acres of occupied wet lands are annually left uncultivated (para. 117 of Mr. Tremeneheere's note). It is difficult to understand why, if the Pariahs are eager to take up lands, the mirasidars do not let them cultivate these wet lands at least for the assessment payable to Government and thus escape an annual loss of about half to three-fourths of a lakh of rupees.

† From 90 to 95 per cent. of the occupied wet waste is annually charged in this district. On dry waste remission is, of course, never granted except in times of distress.

The reason assigned by the Collector to explain the success of the Pariahs in obtaining the land in this case is that the mirasidars sacrificed all their claims to the land by asserting that it was land reserved for grazing. As, however, this mistaken assertion would not have deprived them of their claims it seems probable that they allowed the Pariahs to acquire the land because they did not require it themselves.

The Board believes that waste land in many villages can be obtained by the Pariahs with equal ease. The waste now available in Chingleput is, however, as a rule very poor and there is probably but little demand for it even on the part of the Pariahs.

In connection with this matter it should be noted that an opportunity was offered by the Board to the Revd. Mr. Andrew, a missionary in the Chingleput district largely interested in the Pariah Question, to bring forward any cases in which the existing rules for obtaining land for cultivation had pressed hardly on the Pariahs. Only one case, however, was brought forward, and that had reference to the failure of certain Pariahs to get possession of a tank-bed for purposes of cultivation. The tank-bed, however, was land reserved by the State for public purposes, and, as such, would have been refused to a mirasidar.

19. Mr. Tremenhoe states (para. 25) that "occasionally, owing to disputes in the mirasi body or to the judicious use of money, or to other temporary causes, non-mirasi *caste* residents acquire portions of the waste, but the Pariahs are rigidly excluded." His explanation for this state of things (para. 26) seems rather far-fetched and highly coloured. Long before the Negroes of America were emancipated, the Pariah was freed from his bondage, and he could carry his labour wherever he chose. With a free and good labour market (at the Presidency town) almost at his very door, and with numerous courts to redress his wrongs, there is no reason whatever for him to submit to "iniquitous contracts" or to work "for a rack-rent or for starvation wages."

It is stated that even when a Pariah, returning with some savings from Natal or from the Salt factories on the coast, occasionally happens to buy a small patch of ground, various obstacles are thrown in his way by the intrigues of the mirasidars. "The transfer of the land from the vendor's patta is refused or delayed; the vendor purposely falls into arrears" and gets the very piece of land attached and sold, and "easily outbids the exhausted Pariah" at the auction sale, and "at a very small cost has both the land and the purchase-money for which he sold it." No actual instances of such "chicanery" are adduced by Mr. Tremenhoe, though he states that he could draw upon his memory for many similar frauds. It seems impossible, however, to believe that such frauds, if practised to any serious extent, could long remain unchecked in any district in which the administration is conducted with even moderate efficiency.

20. Progress of the district since settlement.—The following brief review of the agricultural progress of the district during the last seventeen years will show that, since the last revision of the land settlement, the cultivated area of the district has largely increased and is still increasing. Since the settlement which was carried out in faslis 1285—87 (1875—76 to 1877—78) there has been on the whole a decided improvement in the general agricultural condition of the district so far as the improvement can be gauged by extension of cultivation, decrease in the amount of remissions and in the area annually thrown up, and an extraordinary diminution in the amount of arrears realized by coercive processes.

21. Increase in holdings.—Including the extent of cultivation usually shown under Miscellaneous in the jamabandi accounts, the total area occupied in fasli 1287 (1877—78), the year in which the settlement was completed, stood at 559,000 acres. It has since risen to 629,800 acres, an increase of 70,800 acres or 12.6 per cent. The famine which afflicted the district in 1876—78 greatly retarded its progress and the average extent of the holdings in the five years ending fasli 1293 (1883—84) was actually less than the total area occupied in fasli 1288 (1878—79), 562,000 acres against 566,700. Since fasli 1293 (1883—84), however, there has been a steady increase, amounting in five years to over 40,400 acres or 7.2 per cent. on

the average of the preceding quinquennium. Full particulars are given in the following statement:—

Fasli.	Extent of holdings.			
	Dry.	Wet.	Miscellaneous cultivation.	Total.
1281 (1871-72)	242,838	278,973	13,521	535,332
1282 (1872-73)	240,485	279,942	11,754	532,181
1283 (1873-74)	230,338	277,420	10,708	518,466
1284 (1874-75)	237,225	283,283	13,921	534,429
1285 (1875-76)	229,631	285,085	9,963	524,679
Average ..	236,103	280,941	11,973	529,017
1286 (1876-77)	234,942	286,093	15,020	536,055
1287 (1877-78)	216,117	330,276	12,685	559,078
1288 (1878-79)	217,502	329,834	19,423	566,759
1289 (1879-80)	218,331	330,255	16,852	565,438
1290 (1880-81)	211,520	327,325	16,450	555,295
1291 (1881-82)	212,265	327,597	14,526	554,388
1292 (1882-83)	217,713	328,457	17,025	563,195
1293 (1883-84)	222,683	329,659	19,585	571,927
Average ..	216,502	328,659	16,888	562,049
1294 (1884-85)	228,530	330,777	16,940	576,247
1295 (1885-86)	235,752	333,497	16,373	585,622
1296 (1886-87)	246,374	336,984	20,610	603,968
1297 (1887-88)	259,050	340,676	15,264	614,990
1298 (1888-89)	260,059	343,781	18,491	622,331
Average ..	247,153	337,143	18,136	602,432
1299 (1889-90)	270,988	346,323	12,513	629,824

The increase in the dry holdings since the settlement appears to be proportionally larger than in wet, but the fact is that in fasli 1287 (1877—78) over 39,300 acres were transferred from dry to wet, while 9,500 acres were transferred from wet to dry, resulting in a net decrease of 29,800 acres under dry. This decrease has now been more than made up.

22. Increase in lands taken up and decrease in lands relinquished.—The following statement shows the area taken up and the area relinquished in each of the ten years preceding the settlement, and in the ten years following, commencing with fasli 1290 (1880—81):—

Before Settlement.			After Settlement.		
Fasli.	Taken up.	Relinquished.	Fasli.	Taken up.	Relinquished.
1275	18,549	23,937	1290	7,399	11,155
1276	22,681	15,527	1291	9,841	7,679
1277	24,582	17,674	1292	10,879	4,524
1278	31,509	5,840	1293	11,385	4,256
1279	12,575	6,644	1294	11,566	4,879
1280	14,975	5,902	1295	10,664	3,636
1281	9,900	21,683	1296	14,094	1,699
1282	10,625	16,227	1297	17,336	2,738
1283	5,513	13,453	1298	14,143	4,936
1284	12,046	6,414	1299	10,205	3,742
	162,955	133,301		117,512	48,544
Average ..	16,296	13,330	Average ..	11,751	4,854

In the former period, the total area taken up was nearly 163,000 acres against 133,300 acres relinquished, giving an average of 16,300 acres taken up and 13,300 acres relinquished in each of the ten years. The net increase in the holdings thus averaged only 3,000 acres a year.

In the second period (i.e.) subsequent to the settlement, the total area taken up averaged 11,750 acres and the extent given up 4,850 acres, resulting in a net addition to the holdings of about 6,900 acres per annum. This is more than double the rate attained previous to the settlement. The rate of increase was much greater, viz., over 10,000 acres per annum in the last five years of the period when the effects of the famine had disappeared. This result has been obtained notwithstanding the greater strictness with which the remission rules were enforced. There remain now only about 93,400 acres of arable land unoccupied and it is clear, therefore, that, with the present rate of progress, there will soon be little or no unoccupied land in the district.

23. Propriety of amending the land application rules.—Mr. Tremenheere proposes to throw open these waste lands to all residents and thus to afford facilities for the acquisition of land by the Pariahs. His suggestions on this point, which constitute the most important of his scheme, are indicated in the first seven clauses of para. 146 of his note and quoted in para. 3 of this Resolution. To attain his object Mr. Tremenheere proposes:—

(1) To modify the ordinary dharkast rules, that is, the rules for taking up land in the Presidency generally, so as to abolish the preferential right of the adjacent landholders and of pattadars over non-pattadars and place all residents of the village on an equal footing.

(2) To require the mirasidars in mirasi villages to exercise their preferential right to waste (a) either once for all or (b) in the first month of each year.

(3) To abolish (in the last resort) the mirasi right to the waste on payment of compensation to the mirasidars for the loss of swatantram fee, or on the State undertaking its collection and payment to the mirasi body.

(4) To form pariah settlements.

24. The propriety of amending the land application rules in the way proposed by Mr. Tremenheere seems altogether open to question.

These rules were deliberately adopted by the Court of Directors more than half a century ago and the ryots throughout the Presidency have been enjoying certain preferential rights under them to take up waste lands for cultivation, and no special evil is either alleged or proved to have resulted from their operation to justify so wide a departure from a long-established custom and the declared policy of Government. So recently as February 1892 the Government declined to entertain the Board's proposal to sell (after setting apart ten per cent.) the waste lands commanded by the Periyar project on which Government is spending several lakhs of rupees. No stronger case could have been made out for a modification of the rules, but the Government, after a full consideration of the arguments adduced, refused to sanction the change.

25. Similarly, as regards the mirasi villages in the Chingleput district, there is no justification for requiring the mirasidars to exercise their preferential right to take up waste lands all at once or at the beginning of every year. Unless and until some one makes a formal application for the waste, the mirasidar is not bound to declare whether he will take up any portion of it or not. There are about 109,500 acres of arable waste in the Government villages of the district, of which 16,149 acres have been included in forest reserves, leaving less than 93,400 acres available for occupation, about 73,900 acres in mirasi villages and the rest (about 19,500 acres) in non-mirasi villages.

In paras. 116 and 117 of his note Mr. Tremenheere observes that "not only do the mirasidars play the dog-in-the-manger with the available waste, but at present they hold more lands than they can cultivate;" that "there are nearly

74,000 acres which the mirasidars omit, and much of which they neglect, to cultivate"; and that from 25,000 to 29,000 acres of wet lands held on patta are annually left uncultivated, notwithstanding that the assessment on them is not remitted. He accordingly concludes that it is neither "contrary to law" nor "inequitable" to throw some of the waste open to "strangers" who are willing to take it up.

The Board has already referred to this point in para. 18. It seems clear that the existence of this large extent of waste on which the mirasidar must pay assessment every year must place in an advantageous position any Pariah desiring to become a cultivating tenant.

In regard to the unoccupied waste Mr. Tremenheere in September 1891, in reply to a circular from the Board, desiring all Collectors to make careful inquiries at the annual settlements as to the extent of lands really fit for cultivation and the causes which prevent large areas from being taken up, reported that, out of the

	ACRES.
River and tank bed	93,400
Tope	7,570
Stony ground	4,273
Overgrown with prickly-pear	5,551
Being roadway, village site, camping ground or within half a mile of a railway	2,954
	431
	20,779

93,400 acres of available waste shown above, nearly 20,800* acres were said to be unfit for cultivation for reasons given in the margin; but that, in his opinion, from 70 to 75 per cent. of these lands "may be brought under cultivation by a slight improvement at the expense of a few rupees," and that not more than 5 per cent. of the total waste (about 5,158 acres) was really unfit for cultivation. In discussing, however, the

causes put forward by the Tahsildars as having prevented these lands being taken up, Mr. Tremenheere admitted that "the soil of the district is in many places or ts- and requires labour to make the lands productive, while some ryots are too poor to lay out sufficient sums for this purpose," that "some of the dry lands are only fit for growing Varagu" (*Paspalum scrobiculatum*), and "as this crop cannot be raised on the same lands every year, they are not taken up permanently."

26. Difficulties in the way of converting Pariahs into landholders.—The total extent of available waste in the district being, as already shown, comparatively small and much of it undoubtedly comprising poor soils which can hardly be expected to be turned to any useful purpose without a large expenditure of money and labour, the question arises whether, even if the mirasidar's preferential right is abolished or acquired by Government, it would be possible to form pariah settlements in such localities with any chance of success. The Pariah is said to be groaning under a "dead weight of pauperism" (para. 34) and to be presumably without any resources whatever. Is it possible or even desirable to convert him all at once into a landholder, and that in a district where the conditions are far from being favorable. Already, it is said, there is any amount of "poor cultivation" and any number of pauper pattadars in the district, about 60 per cent. of them paying less than Rs. 10 and over 85 per cent. paying less than Rs. 30 a year. Any attempt, therefore, to bolster up the Pariah or any other labouring classes, in the way proposed by Mr. Tremenheere, can only lead to an increase in pauper holdings without any advantage either to the cultivator himself or to the Government. A single bad season might easily upset the pariah landholder and throw him into the clutches of the money-lender, from which he can have little chance of escape. A striking instance of this was met with by the Sub-Assistant Director in the village of Kilanur, in the Tiruvallur taluk, where the Pariahs lost in the last famine nearly the whole of their dry lands and 31.72 acres of wet out of 43.64 acres held by them, and they are now content to cultivate the same lands as sub-tenants of the purchaser. The Board cannot recommend that Government should grant advances without any security, or should lay out large sums towards forming special settlements for Pariahs, whose material condition is not proved to be worse than that of other labouring classes; but where any Pariahs are willing and able to set up cultivation on their own account, the possibility of giving them lands out of the

areas referred to in paras. 31 to 33 of Mr. Tremenhoe's note might be favorably considered. These comprise portions of—

ACRES.

19,000

16,000

(1) Waste lands in non-mirasi villages

(2) Waste lands included in forest reserves

(3) Lands bought in by Government at sales for arrears of revenue.

[These are clearly at the disposal of Government. The extent is not stated in Mr. Tremenhoe's note but in a letter of 1891 already referred to it is given as 1,500 acres. Such lands should under Board's Standing Order No. 110 be entered in a separate register and it is not clear why such a register has not been maintained in Chingleput as stated in para. 31 (b)]

1,500

(4) Lands held by non-mirasidars before the settlement, but since relinquished

Not stated.

If the experiments in regard to these lands prove successful, it will then be time to consider whether any further concessions are necessary in favour of the Pariahs.

27. **Position of the Pariah as a tenant and sub-tenant.**—In sections VII. and VIII. of his note Mr. Tremenhoe refers to the position of the Pariah as a tenant under a zamindar, and as holding under a ryot, whether in zamindari or Government villages, and states that in zamindari villages where "the mirasidars' claims are much more cavalierly treated," the Pariah becomes a tenant with comparative ease, while "it is common for him, whether in Government villages or in zamindaris, to rent lands as sub-tenants under a ryot." No statistics are given as to the probable number of pariah tenants and sub-tenants or of the extent of lands cultivated by them as such, or the rent paid, &c., but it is generally stated that most of the proprietors holding under privileged tenures (comprising about 25 per cent. of the villages in the district) are absentees, and that their agents often oppress the tenants who are regarded as mere tenants-at-will, that they are subjected to rack-renting, that a great deal of injustice is done by the landlords to their tenants under cover of the provision of law which makes the mere tender of a patta, or an agreement between the parties to dispense with it sufficient to take proceedings under the Rent Recovery Act, that, owing to disputes among the several shareholders and between them and their mortgagees, the tenant is often left in uncertainty as to whom he should pay, with the result that his crops are distrained by each of the shareholders in turn, who thus fight out their causes at his expense, and that village servants, not being under the control of Government, are under the thumb of landlords and help them to work injustice.

28. **Amendments of the Tenancy Act.**—The evils referred to by Mr. Tremenhoe are not peculiar to Chingleput. As a means of largely obviating them, he proposes the following amendments of the law of landlord and tenant in the Presidency, Act VIII. of 1865 (Madras):—

(1) To make the exchange of patta and muchilika an essential condition precedent to an attachment or a suit by the zamindar. Where a ryot refuses the patta, the burden of compelling its acceptance should be on the landlord.

(2) To make the registration of landlords in the Collector's office an essential preliminary as in the first case.

(3) To declare 12 years' occupation sufficient to give an occupancy right.

(4) To bring the zamindari village servants under the control of Government.

(5) To empower the tenants to compel the repair of irrigation works.

(6) To compel zamindars to make a survey and settlement of their villages.

Most of the suggestions have already been anticipated in the new Tenancy and Zamindari Kurnam Bills now under consideration in the Legislative Department. As regards the second proposal, the names of proprietors are now usually registered

in the registers maintained in Collector's office under Regulation XXVI. of 1802, but such registration cannot possibly obviate conflicting claims being contested in the civil courts. In such cases, the tenant might probably protect himself by paying the rent to the registered holder recognised by the Revenue authorities or by depositing it in courts where suits are filed against him. The fifth recommendation seems impracticable of execution. In the first place, it would be manifestly impossible for the Superintending Engineers to certify to the condition of one and all of the numerous tanks out of order in zamindari villages scattered over the Presidency, and, in the next, it would be difficult to enforce the obligations of the zamindars without causing unnecessary complications. Who is to determine what repairs are necessary and then decide how much has been actually executed; who is to control this agency, and who is to pay for the cost? All these considerations make it impossible that the suggestion can be practically worked.

29. **Position of sub-tenants.**—Taking next the sub-tenants, i.e., persons "holding under ryots whether in zamindari or Government villages," Mr. Tremenhoe divides them into two classes: (1) those who claim occupancy right, and (2) occasional sub-tenants who can claim no such right. The latter he states "must be left to the free operation of contract," but as regards the former, he would propose "that 12 years' occupation should give occupancy right" (para. 49). A suggestion similar in effect was made by the Famine Commission and came before the Local Government for consideration in 1881-82. Assuming that the custom of sub-letting was commonly prevalent throughout India, and premising that "occupancy right can only be beneficial to the community when enjoyed by a *bona fide* cultivator," the Famine Commissioners proposed that the practice of sub-letting by an occupancy tenant should be discouraged or even forbidden and further that when such right is possessed by a tenant or pattadar it should be forfeited by his ceasing to be a *bona fide* cultivator and pass on to the person who, as his sub-tenant, occupies his place. With a view to secure to the tenants-at-will occupancy rights in the lands which they hold, without injury to the landlord, the Commissioners proposed to make the tenant pay an enhanced rental, the increase being calculated with reference to "the annual amount which a landlord gains by his tenant not possessing occupancy rights." After fully discussing the question, the Board and Government came to the conclusion that the proposed scheme was inexpedient and impracticable; that the power to sublet is the undoubted right of every holder of land under a ryotwari patta which should on no account be interfered with; that any attempt to interfere between the landlord and his sub-tenant would be subversive of property in land throughout the country, and would, by depreciating the value of land, defeat the very object in view, viz., to augment the wherewithal for the improvement of land; and that "the compensation which the cultivating tenant would have to make to the expropriated owner would for many years leave little to the former to invest in the improvement of land; while at the same time, the savings of men engaged in trade and other occupations now invested therein would be lost to it."

G.O., dated 29th April 1882, Nos. 437-438.

30. The policy of Government has always been to recognise no other occupant of the soil than the pattadar with whom the annual settlement of revenue is made and who is held responsible for its payment. The Collector, Mr. Barlow, in 1874, proposed a sort of recognition of the payakaris (sub-tenants) by a system of sub-receipts and sub-entries in the public accounts as a measure calculated to facilitate the collection of assessment on their lands, but this was carefully avoided during the settlement by Mr. Puckle, who took certain weighty objections to the proposed measure as opposed, in principle, to the policy of Government and to the custom of the country, and as calculated to "strengthen such claims as the sub-tenants of pattas may now or hereafter rightly or wrongly urge to be regarded as the permanent occupiers of the soil, and not mere tenants-at-will." The sub-division of the samudayam or common lands which generally comprised the lands cultivated by the payakaris has undoubtedly relieved the latter from their irksome dependence

on a number of landlords, and has placed them each under a single landlord. That was all that the Government could have done in the matter. It was no part of its duty to go further and record the supposed titles of sub-tenants to occupancy rights as suggested by Mr. Tremenhoe in para. 50. For purposes of revenue administration, the pattadar is *prima facie* regarded as the occupant of the land, and it is a question to be decided on the evidence in each case whether his right of occupation has passed to another by prescription or otherwise. The battle between the mirasidars and their sub-tenants in this respect is not a new one, but has been raging for several years, with varied success; and in its decision in A. S. Nos. 106 and 107 of 1882, the High Court has distinctly ruled that mere length of tenure for any number of years will not give a right of occupancy to a cultivator let in as a tenant from year to year. There is no evidence to show that the Chingleput sub-tenant is anything more than such cultivator.

Throughout the world, there will always be a certain section of the population, which, from want of capital or other causes, must be content with occupying the position of a sub-tenant or tenant-at-will, which is the intermediate stage between a labourer in the field and a tenant with occupancy rights. Neither the field labourer nor the sub-tenant can become all at once a tenant with occupancy rights. Their improvement will necessarily be slow and gradual, keeping pace with the general progress of the country. Any violent changes, therefore, that would disturb the natural conditions of society will lead to more harm than good to the community at large.

31. Recent inquiries made by Mr. Subba Rao, Sub-Assistant Director of Agriculture, as to the rates of váram or the

NOTE.—Mr. Subba Rao visited about 9 to 12 villages in each of the taluks of Tiruvallúr, Saidápet, Chingleput, and Madurantakam—42 villages in all.

sub-tenant's share of produce prevailing in the district show that, as a general rule, the system followed is that of an equal division of the grain produce between the landholder and the cultivator, the former paying the Government assessment and the latter bearing all the charges of cultivation. This has been the immemorial custom of the country and Mr. Subba Rao found that the pariah sub-tenants always prefer this mode of division to any other.

The straw, which always commands a good price in Madras, generally goes to the cultivator, though sometimes the landholder gets one "big bundle" worth about a rupee for each kani of land (1.32 acres). Where baling has to be resorted to to any considerable extent in irrigating the crops, the cultivator often gets 50 per cent. more than the usual half and half share. Another mode of "váram" or sharing the produce from irrigated land, which is also largely prevalent in the district, is for the cultivator to pay a certain fixed quantity of produce to the landholder, generally averaging less than half the gross produce; and take the rest

A kalam = 96 Madras measures.

1 Madras measure = 1.12 Imperial seers.

with the straw. The quantity varies from two to four kalams—sometimes five kalams—of paddy per kani (1.32 acres), according to the quality of the land. In this case, the land-owner pays the Government assessment, while the sub-tenant bears all the cultivation expenses, and is at liberty to grow as many crops as he likes. In some villages again, the cultivator bears all charges, including the Government assessment on the land, and gives the land-owner a small grain or a money rent or both. If it is grain rent, the landholder gets on wet lands 4 to 5 markals* per kani for first crop and half the quantity for second crop; on dry lands two markals for first and one for second crop. When money rent is paid the amount generally varies from Rs. 1½ to Rs. 3 per kani for wet and As. 4 to Re. 1 for dry. Where both grain and money rents prevail, the landholder gets about 3 markals of paddy plus half to one rupee on each kani of wet land; the rest goes to the cultivator.

32. These rates do not contrast unfavourably with those of other districts. In some cases they are decidedly more favourable. In South Arcot, where the cultivator

supplies the cattle and the landholder the seed-grain, the former takes two-fifths of the paddy and half of ground-nut *minus* twice the quantity of seed. In Trichinopoly, the sub-tenant employs his own cattle and pays for all extra labour and is contented with only one-fifth of the grain and half the straw, the seed being apparently supplied by the landholder. In Tanjore, the porakudi, who employs his own plough, cattle, and agricultural implements and finds also

* Para. 7 of Board's Proceedings in G.O., dated 29th October 1885, No. 1195, and pages 381 to 386 of the Tanjore Manual.

Váram	25 per cent.
For reaping	4½ "
For threshing	3½ "
Total	32½

the seed-grain, gets on an average only about a third of the gross* produce. The lands, however, are fertile; the irrigation is unfailing and the porakudi is always certain of getting his share from one year to another. He gets also free house-sites as long as they remain on the farm, and some advances of money without interest. In Kistná and Godavari the sub-tenant bears all the expenses

of cultivation and pays also a portion of the water-rate and gets half the produce. In Ganjam he bears all cultivation charges but gets only two-fifths of the paddy produced.

On the whole the sub-tenants in Chingleput, the bulk of whom are Pariahs, cannot be said to occupy a less favourable position than that of similar classes in the rest of the Presidency. They have also the advantage of a good market at the Presidency town.

33. Pariahs as agricultural labourers.—In section IX. of his note, Mr. Tremenhoe treats of the condition of the Pariahs as agricultural labourers. He divides them into two classes, free-labourers and bond-labourers. The former he says always "get good wages near the Presidency town and fair wages elsewhere," and stand in need of no special measures of protection; but the latter, partly consisting of the descendants of the old slaves *ascripti glebæ*, who still attach themselves to the lands tilled by their ancestors, and partly recruited from the extreme poor, especially such as need a loan of Rs. 10 or 15 to repay a debt or to marry themselves or their relations, are said to be little better than slaves. No attempt is made to frame even an approximate estimate of the proportion of the labourers that fall under the latter category, but whether the number is large or small, it is a very significant fact that "even after slavery was first mitigated and then abolished, the serfs continued to work under their old masters and their descendants (also) continue to do so until this day under the name of padiyal" (para. 55). This hereditary attachment of the so-called bondsmen to their masters, notwithstanding the existence of the large labour market in Madras almost at the labourer's door, can only be explained on the assumption that the relations between them are generally satisfactory. This is fully borne out by the experience of the Acting Third Member of the Board, who was connected with the district for over seven years, and made it his special business to investigate its economic condition when writing a manual of it. He found that the relations of the mirasidars with their pariah sub-tenants and farm servants were friendly, and that the former, owing to the scarcity of labour and the high rates which pariah labour commanded in Madras, were compelled to be considerate in their treatment and liberal in their terms.

34. Description of bonds ordinarily executed by labourers, and convictions under the Breach of Contract Act.—Mr. Tremenhoe gives a list of 18 documents in which the executants bind themselves, in consideration of loans received, to work as padiyals (farm-labourers) or to pledge their sons or relations to work, for long terms of years or until the loans are discharged, and states "that such bonds are specimens of the thousands that exist" and that though "most, if not all, of these bonds are not enforceable by law" the padiyal does not know this and lives in dread of a suit before the Village or District Munsif, or imagines himself (not without cause) liable to be arrested by the Magistrate and sent to jail." It may be true, as remarked by Mr. Tremenhoe, that the Breach of Contract Act XIII. of

1859, to which reference is made in the above extract, is a badly drawn enactment, but it is difficult to understand how, in the face of the express decisions of the High Court, declaring that the Act is not applicable to cases like those mentioned by Mr. Tremenhære, the district officers could have allowed the Act to be administered in a manner which, as Mr. Tremenhære says, "has sent hundreds of innocent men to prison or condemned them to a species of slavery." Mr. Tremenhære has not furnished any statistics of the number of persons punished under the Act in the Chingleput district during past years, but states generally that in the whole Presidency nearly 9,000 persons were prosecuted under the Act in 1889. It is not clear how this figure was obtained, but from the Appendix to the High Court's Report for the year, it would appear that Mr. Tremenhære has erroneously taken the total of the numbers shown as under trial, the number acquitted or discharged and the number convicted. The total number of persons prosecuted, including those standing over from previous years, was only 4,488, of whom not more than 962 were convicted, while 3,476 were acquitted or discharged. In 1890, only 5,205 were prosecuted in the whole Presidency, and 1,103 convicted. Statistics obtained from the Registrar of the High Court show that during the past eight years, less than 164 persons on an average were prosecuted under the Act in the whole of the Chingleput district, while the average number annually convicted did not exceed 36 persons. In four out of the eight years, including the last three,

District.	Years.	Number of persons		
		Under trial during the year including pending from previous years.	Acquitted or discharged.	Convicted.
Chingleput.	1884 ..	36	17	18
	1885 ..	234	180	54
	1886 ..	193	158	35
	1887 ..	212	158	54
	1888 ..	285	208	77
	1889 ..	133	115	13
	1890 ..	114	92	16
	1891 ..	104	84	20

the number convicted ranged from 13 to 20 per annum. Most of them, it is believed, are artificers. Judged by these statistics, there is clearly no foundation for Mr. Tremenhære's statement that the Breach of Contract Act, as administered in the district, has sent hundreds of innocent men to prison or condemned them to a species of slavery.

It cannot be denied that, occasionally, instances may occur (like the one referred to in para. 64 of Mr. Tremenhære's note) in which the subordinate magistracy abuse their powers to the ruin of some unfortunate labourer, but such cases might occur under any other enactment, and they can only be put down by the exercise of constant vigilance on the part of the district and divisional officers.

35. Referring again to the eighteen documents mentioned by Mr. Tremenhære, it is observed that five of them appear to have been executed twenty to twenty-five years ago, five more, nine to twelve years back, while only two are of a recent date (1889-90). The full purport of the documents cannot be judged from the brief translations given of them in paras. 56 and 58 of the note, but it is obvious that their general tenor cannot be understood in the sense of binding the executants to work "in lieu of interest," i.e., in consideration of the interest due on advances received. The general custom of the district, and, indeed, of the Presidency, is, that the labourer gets certain fixed monthly wages *plus* a lump sum as advance free of interest. If the man leaves the service he should repay the advance. The documents referred to by Mr. Tremenhære do not seem to differ materially in this respect.

Men in the position of labourers borrow money on the security of their labour which is all that they have to pledge. In principle, this transaction is the same as giving advances to domestic servants of a month's pay on entering service. It would be impossible to enforce a prohibition of such loans, and, if possible, it would, in the Board's opinion, be wrong to do so. This is the only means which poor labouring men have of borrowing money.

Reference is made to the expression "man-mortgage" occasionally met with in bonds by which a labourer agrees to mortgage himself or his sons to work, but the phraseology is simply a relic of the old predial slavery days, and is nowhere

seriously understood, at the present day, as anything more than a mere contract between the landholder and the labourer, by which the latter binds himself to work or to send his sons or relations to work, as farm servants, on certain stipulated wages until the moneys received as advances (generally without interest) are repaid. There seems nothing intrinsically objectionable in such contracts; and, in the absence of any special causes, there is no reason why the relations between master and servant—the mirasidar and the Pariah—should not be left to be regulated by the ordinary law of demand and supply. Mr. Tremenhære himself states that most of these bonds are not enforceable by law. They are illegal already—that seems to be enough.

36. Demand for agricultural labour in the district.—From the statistics furnished by the Census Superintendent, it appears that, of the total agricultural population of the district (653,507), only 122,494 * or 18.75 per cent. are classed

Taluks.	Total population.	Agricultural population.					Pariah population.
		Land-holders.	Tenants.	Farm servants.	Field labourers.	Total.	
Saidapet	224,472	39,141	28,073	9,919	9,382	86,518	71,360
Chingleput	137,291	49,594	20,210	6,207	8,114	84,125	34,835
Conjeevaram taluk ..	176,123	69,561	29,132	6,052	13,974	118,719	47,240
Do. municipality ..	42,548	4,746	1,222	102	271	6,341	76,335
Madurantakam	263,137	74,383	65,444	18,622	14,935	173,384	35,221
Ponnéri	122,418	40,898	14,171	4,961	12,222	72,252	45,574
Tiruvallūr	170,939	67,701	26,734	2,416	15,317	112,168	
Total	1,136,928	346,027	184,986	48,279	74,215	653,507	310,565

as agricultural labourers, the bulk of whom are Pariahs. In the statement printed in para. 15 *supra*, the pariah agricultural labourers are given as 82,034, but Mr. Stuart states that, owing to a want of precision on the part of the enumerators, who, in Chingleput and some other districts, recorded the occupation of agricultural labourers as "coolly" simply, without denoting the nature of the labour, a large number of persons actually engaged in agricultural work for the greater part, if not the whole, of the year, were classed under "other labourers." Taking the total average cultivation in the district at 903,000 acres, Government, inam, and zamin-dari lands, both first and second crop, it is observed that the total number of agricultural labourers shown above (viz., 122,494) gives only one labourer for every 7.4 acres of cultivated land, dry and wet. If only the adult males and females are taken into account, there is only one labourer available for every 12½ acres or so, of which 62 per cent. or more than 7½ acres are wet. Even if full allowance is made for defective classification, it is clear that the district suffers from a dearth of agricultural labourers. This difficulty has always existed in the Chingleput district, owing to its vicinity to the Presidency town, and so far back as 1845, Mr. E. Maltby wrote:—"The employment which the labouring classes (the Pallies and the Pariahs) find in the Presidency (town) and adjacent military cantonments, both raises the rate of wages and renders them adverse to the labours of field-work." The difficulty is every year greatly increasing owing to the steady increase in the demand for labour that has been growing up in all directions in the Presidency town, and no stronger proof of this can be desired than the chronic difficulty of obtaining labour in the Salt factories of the district, which are, of course, at work only in the hot season, when there is generally no occupation in the fields. Under such circumstances, it is impossible to suppose that the labouring classes can be subjected to "starvation wages" as alleged by Mr. Tremenhære.

In the census tables of *occupation*, the age limit for adults has been taken at 15 years. If a higher limit, say 18 or 20 years, were adopted, as it should be, the great dearth of field labourers in the district would be still more strikingly established.

The following statement compares the proportion of the labouring population of all ages in different districts according to the recent census tabulation. Considered

Districts.	Total agricultural population.	Farm servants and labourers.						Proportion of irrigated to total cultivated area.	
		Number of			Proportion to total agricultural population of				
		Farm servants.	Labourers.	Total.	Farm servants.	Labourers.	Total.		
Ganjam ..	406,913	10,438	53,747	64,185	2.56	13.21	15.77	54	
Vizagapa- tam. { Non-Agency ..	1,065,153	13,476	90,786	104,262	1.27	8.52	9.79	40	
{ Agency ..	54,774	292	1,542	1,834	.53	2.82	3.35		
Godavari { District ..	1,101,327	40,503	278,406	318,909	3.68	25.28	28.96		
{ Agency ..	94,172	7,234	5,824	13,058	7.68	6.18	13.86	58	
Kistna ..	1,063,135	67,433	142,342	209,775	6.34	13.39	19.73	16	
Nellore ..	736,243	28,859	124,160	153,019	3.92	16.86	20.78	23	
Cuddapah ..	770,363	9,148	142,546	151,694	1.19	18.50	19.69	10	
Anantapur ..	411,209	8,166	87,233	95,399	1.99	21.21	23.20	8	
Bellary ..	578,663	8,573	92,780	101,353	1.48	16.03	17.51	2	
Kurnool ..	459,996	13,049	80,783	93,832	2.84	17.56	20.40	3	
Madras ..	10,140	112	55	167	1.10	0.51	1.64	..	
Chingleput ..	653,507	48,279	74,215	122,494	7.40	11.35	18.75	65	
North Arcot ..	1,457,883	51,852	170,052	223,904	3.69	11.66	15.35	39	
South Arcot ..	1,489,658	52,671	195,397	248,068	3.53	13.12	16.65	25	
Tanjore ..	1,301,451	301,194	114,717	415,911	23.14	8.81	31.95	73	
Trichinopoly ..	918,377	39,390	125,108	164,498	4.29	13.62	17.91	16	
Madura ..	1,631,975	39,257	112,677	151,934	2.39	6.87	9.26	13	
Tinnevely ..	1,082,170	19,400	180,737	200,137	1.79	16.70	18.49	14	
Coimbatore ..	1,116,516	56,056	148,135	204,191	5.02	13.27	18.29	4	
Nilgiris ..	54,111	6,184	22,746	28,930	11.43	42.03	53.46	9	
Salem ..	1,281,862	29,998	206,551	236,549	2.34	16.11	18.45	8	
South Canara ..	630,220	21,121	85,556	106,677	3.35	13.58	16.93	..	
Malabar ..	1,466,508	244	624,387	624,631	0.02	42.57	42.59	51	

	As given by Mr. Johnson.	As reduced by Mr. Tre- menheere.
	RS. A.	RS. A.
Padyal or male farm labourer..	56 3	37 3
Female labourer..	39 3	14 0
Boy	25 0	20 0

Twelve small merkals of paddy
(or 15 merkals of varagu) per
mensem = 47½ seers of 80 tolas.

	RS.	A.
Twelve small merkals of paddy (or 15 merkals of varagu) per mensem = 47½ seers of 80 tolas.	21	0
One meal a day (at Rs. 2 a month)	24	0
Perquisites of various kinds = 170 seers	6	4
One cloth a year	0	10
Annual presents in cash	0	14
Extra presents	0	7
Foregone interest on advances..	3	0
Total ..	56	3

	Total	56	3
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38. The grain wages are usually paid, partly in the shape of a fixed allowance for each month, and partly in the shape

1, partly in the shape of a fixed allowance for each month, and partly in the shape of perquisites, consisting of a certain proportion of the produce, at the time of harvest. The perquisites form a very important item in the earnings of the

astom, gets all the grain left on the thresh-
left at winnowing and at the place where
ain proportion of the clean grain. The
over also the wages of the padyal's wife,
harvest, but if she does not, the perquisites
by about one-half. The monthly wages
rent villages—the perquisites being less if
vice versa; but the aggregate amount of the
villages. From careful inquiries instituted
tture in four taluks of the district, it would
appear that the monthly wages, together

with the harvest perquisites, generally averaged from 90 to 100 Madras merkals (800 to 900 I. seers of paddy) a year, though in a few villages they were slightly less, averaging 80 to 84 merkals, while in others, where the lands were

fertile and the yield proportionately large, they amounted to 120 merkals and more. The Sub-Assistant also found that the padvals were unwilling to accept

in lieu of the usual monthly wages, one to exchange the perquisites for a fixed their usual monthly allowance. On the earnings may safely be taken at 8 Madras num, equal to 860 Imperial seers of paddy. Sub-Assistant Director, except one or two, Madras merkals (752 I. seers), while in the allowed a larger perquisite.

ed above, the padyal often gets a bundle of presents on occasions of marriages and ground for cultivation, the tillage, &c., When the padyal's wife is confined or the attendant expenses, are also borne by

Previously referred to, gives the total grain

midday meal) at 187 small merkals * a year equal to about $82\frac{1}{2}$ Madras merkals (740 I. seers). For the midday meal, according to the Sub-Assistant Director's investigation, 2 to $2\frac{1}{2}$ ollocks of ragi flour and half an ollock of broken rice are required, an ollock being equal to $\frac{1}{8}$ of a Madras measure. About one and

a-half to two Madras merkals of paddy a month is considered to be a fair equivalent

for the meal and is in fact given in several villages in lieu of the meal. The total earnings of the padyal, including the midday meal, will thus, according to Mr. Johnson, amount to over 100 Madras merkals or 900 I. seers per annum, and Mr. Tremeneheere is apparently inclined to accept this estimate (para. 72), though he differs from him as regards the money valuation.

Excluding the cost of the meal, Mr. Tremeneheere values the income of the padyal and his wife at Rs. 2-6-1 and Rs. 1-3-0, respectively, or a total of only Rs. 3-9-1 a month (para. 78), and then proceeds (para. 79) to "corroborate" his "conclusions drawn from a study of several years, with a note lately taken down in Sembakkam, Chingleput taluk." According to his note, the munsif of this village pays each of his padyals "8 merkals a month," in addition to a "midday meal"; but Mr. Tremeneheere evidently did not stop to inquire what the capacity of the local measure was, nor to take account of the harvest perquisites which, in this village,* form a particularly large item. It has now been ascertained that the "merkals" referred to represent what are locally termed "jódu merkals," eight such merkals being equal to twelve small or "bara" merkals given by Mr. Johnson, and that the perquisites, which are given in full detail by the Assistant Director, who spent a considerable time in carefully investigating the subject, usually amount to 36 "jódu merkals," both for the padyal and his wife who helps at the harvest.

The total earnings of the padyal for the year will thus be as follows:—

- | | | |
|---|--|-----|
| (1) Total of the monthly grain wages for the year | 8 × 12 jódu merkals = 12 × 12 bara merkals = 12 × 12 × 3 local measures = 12 × 12 × 3 × 1½ or 540 Madras measures = .. | 67½ |
|---|--|-----|

NOTE.—The local measure in Sembakkam is said to be larger than even the Madurántakam measure or about 1½ Madras measures.

- | | | |
|--|----|-----|
| (2) Harvest perquisites = 36 jódu merkals = 25 Madras merkals. | .. | 12½ |
| Half of this goes to the padyal and half to his wife | .. | 18 |
| (3) Equivalent of the midday meal, 1½ to 2 merkals a month | .. | 18 |

98 or 878 I. seers.

In the same village, some padyals are retained for only six months, during the cultivation season, from July to December, and get grain wages for that period, though the midday meal is given almost throughout the year. In these cases, the padyal's perquisites amount to 42½ Madras merkals, which, together with the monthly grain wages, 33½ Madras merkals, plus the midday meal (18 merkals), raise the total earnings for the year to 94½ Madras merkals (844 I. seers), which can be supplemented to some extent by odd jobs which the padyal is free to do during portions at least of the slack period of six months.

40. Total earnings of the padyal and his wife.—The wages of adult females (the padyal's wife) are given by Mr. Johnson at 6½ (small) merkals of paddy or 26½ seers of 80 tolas a month, plus one meal a day with perquisites at harvest amounting to 27 merkals or 107 seers. She thus gets 425 seers of paddy for the whole year in addition to one meal a day and presents of cloth, &c., valued at about Rs. 2-12-0. Mr. Tremeneheere states, however, that the padyal's wife is never employed permanently on annual wages; that she is only occasionally employed when there is weeding, reaping or such like work, for which she gets about an anna and a quarter a day and that she will be lucky if employed on 180 days (or six months) in the year. Mr. Tremeneheere has again omitted to take note of the perquisites which the padyal's wife gets at harvest (about 107 seers as estimated by Mr. Johnson) which is alone sufficient to feed her for over two months. On other occasions she gets 2 Madras measures of paddy a day or 1½ annas, besides a meal at noon, whenever there is stress of work. The Sub-Assistant Director's inquiries show that field labour or work of some kind or other is always available for eight or nine months, and that for the rest of the year the women manage to earn something by pounding and husking paddy. All through the year, the women and children collect cattle dung and make it into bratties for

sale, so that every one that is capable of work, is able to find some employment throughout the year. It is impossible, therefore, to accept Mr. Tremeneheere's statement that the padyal's wife or any female labourer is laid up half her time. Assuming, however, that the padyal's wife is in a position to work for only nine months in the year, including the period during which she helps at the harvest,

Three months' absence from work is a liberal allowance, seeing that even during her couchement she gets the expenses of medicines and diet paid by the master.

that is, for three or four weeks, her total earnings will amount to about 10 to 12 Madras merkals in the shape of perquisites, and about 60 merkals more in the shape of daily wages, at 2

Madras measures a day, for about eight months—total about 70 or 72 merkals, besides a meal a day for at least 2 or 3 months of the working season. Sometimes the padyal's wife assists in all the field work except ploughing and watering; in such cases her perquisites amount to 24 to 30 Madras merkals, but her income from casual labour will be necessarily less. Her total earnings, allowing for casual meals, may be put down at from 70 to 85 Madras merkals, or 625 to 760 I. seers, of paddy. The padyal and his wife between them will thus be able to earn about $(96 + 75 =) 171$ merkals or 1,532 I. seers of paddy per annum, including the meals given by the employer = 1,021 seers of rice = 2,123 lb. This will be equivalent, at 16 seers of rice per rupee, to a money wage of Rs. 63-13-0 per annum, or about Rs. 5-5-1 per mensem, exclusive of the usual presents of cloth, cash, &c., at the end of the year and also on occasions of marriage, death, confinement, &c.

41. Food consumption of the family.—Mr. Johnson estimated in 1886 that the adult labourer (male or female) consumes on an average about $\frac{3}{4}$ seer (of 80 tolas) or over 1½ lb. of rice per meal. This is obviously too high a ration. The jail diet* for hard labour convicts is only 24 oz. of ragi a day with a proportionate allowance of dholl, oil, vegetables, &c., with mutton thrice a week; but, as the ordinary agricultural labourer rarely indulges in dholl, vegetables, &c., the grain allowance referred to above would be insufficient in his case. About 2½ lb. of rice a day would be a sufficient (rather

	oz.
* Ragi	24
Dholl	2½
Oil, gingelly	1
Tamarind	1
Salt	1
Curry powder	4
Vegetables	4
Onions	1
Mutton (twice a week)	3½

a liberal) allowance, including condiments, &c. At this rate, the quantity of rice required for the padyal and his wife will be 1,640 lb. This will leave a surplus of 480 lb., which will be sufficient to furnish three meals for both for 3½ months. If the padyal has a boy fit to tend cattle or do some odd work, he is fed and clothed by the master, and is paid, in addition, Rs. 1-8-0 per annum in cash; so his case may be left out of account.

42. The position of the casual labourer does not differ materially from that of the farm servant (padyal). Mr. Tremeneheere himself states that such labourers get

good wages near the Presidency town, fair wages elsewhere. An† adult male gets 2½ to 3, and a female 2, Madras measures of paddy, besides one meal a day.

Boys and girls are given one measure of paddy, in addition to a meal a day. The meal, however, in the case of females, is given only when they work the whole day. If paid in money, the daily wages usually amount to 2 annas for a man, and 1½ annas for a woman, with a meal in both cases; if no meal is given, the money wage is paid at 2½ annas and 1½ annas, respectively. For hard work, such as raising water, felling timber, &c., the male adult gets about 50 per cent. more. This class of labourers generally find agricultural work for about nine months in the year and during the remaining three months they sell fuel, bratties (cowdung cakes), grass, &c. All along the numerous roads leading into the Presidency town, hundreds of men and women may be seen every day carrying these articles for sale. Taking the agricultural wages earned in the nine months alone, it will be observed that a man and his wife will be able between them to get, at 4½ measures for both,

1,215 Madras measures of paddy or 1,360 I. seers for the period, a quantity sufficient to feed them for the whole year, and leave a surplus for two months in addition, besides the earnings they can pick up during the slack three months as a reserve to fall back upon in times of need. This is exclusive of the meals which they get, especially the male adult, for a considerable portion of the period. Taking the cash wages as given above, the total earnings of the labourer amount to Rs. 42-3-0 and those of his wife to Rs. 25-5-0, for nine months, giving an average of Rs. 3-8-3 and Rs. 2-1-9, respectively, per month, or Rs. 5-10-0 per month for both, *throughout the year*. This sum will, at the average selling price of 16 seers of rice per rupee, be sufficient to feed the labourer and his wife for over 16½ months.

In the above calculations the wages of the padyal's wife and those of the casual labourer and his family for three months have been left out, as also the income women make from selling bratties or from the produce of a milch buffalo and various other means. The food of the woman is also calculated at the same rate as that of the man, and is assumed to consist entirely of rice, whereas, in practice, it is only the night meal that is made up of rice while the two other meals consist chiefly of ragi flour which is 70 per cent. cheaper than rice. If these are allowed for, the savings will be considerably greater.

43. It will be evident from what has been stated in the preceding paragraphs that, whether regarded as a sub-tenant or a labourer, he nowhere suffers from "starvation wages," but that, in ordinary seasons, he enjoys a sufficiency of food which keeps him in health and strength and has also something to spare for his liquor as admitted by Mr. Tremenhoe himself, and, as is shown by the statistics of abkari revenue, a large share of which is undoubtedly contributed by the pariah population. The Pariah's general condition, where he is a labourer, is far from being one of ease and comfort; this is the lot of almost all the labouring classes in the Presidency, but his wants are few and his standard of comfort is low; and, thanks also to the climate, he manages to live on food which would be insufficient to sustain life in colder countries. This is fully borne out by the fact that even during the prevalence of distress in a severe form during the past year, hardly two per cent. of the pariah population sought employment on Government relief works which were specially undertaken in all taluks of the district. It is frequently urged that the position of the Pariah compares unfavourably with that

* The caste labourer occasionally gets a slightly higher wage than the Pariah, but this happens only when he is required to do some extra household work.

society, which has, for centuries, treated him as an outcaste, entirely beyond the pale of religion and morality. In his general physique, his capacity for hard work, and power of endurance, the Pariah is in no way inferior, if he is not in many respects superior, to the caste labourer occupying similar position in this and other districts.

44. In this connection, it may be interesting to quote what Mr. Place said nearly a century ago, when reporting on the settlement of the district. After describing the different descriptions of meras or fees, he wrote as follows (paras. 35 and 37 of his report dated 6th October 1795):—

"35. The first, which I shall notice, among those contained in the former of these two classes, as that which gives creation to the rest, is 'kalarasam' or the subsistence of the labouring pariah servants of the husbandmen. The kalavassam of the mirasidar's servants differs from that of the payakaries; the one varies from 3½ to 11½ per cent. upon the tirva produce, the other from 4½ to 11 per cent. and upon an average in the Tripasore purgunnah was 5½, in Karungooly 4½, and in Conjeeveram 4½. The lowest russoom which the servants both of mirasidars and payakaries receive prevails chiefly in the agraharam or Brahmin villages. This alone would be an insufficient subsistence, but in every village a custom prevails, regulated, I presume, by the facility or difficulty with which it is watered, whereby the servants during a stated number of months in the year are to receive a further payment in grain from their masters, which continues or ceases in proportion to the extent of their fees, and in the end equalizes the whole to about 2½ kalams or 105 pucca seers per month. In this column are also included such fees of artificers, as are taken out of the

crops after the account and measurement have been taken; they are of no great amount, and, therefore, were not deserving of separation."

"36.

"37. Small as the pittance of 2½ kalams of grain per month may seem, it is yet adequate to all the ends of subsistence, for it is calculated upon the mean of common years, and, of course, is augmented in those of abundance, on account of the interest, which prompts every man to pursue his own good; the cultivator will not, from inclination, let it fall below necessary purposes:—and for the reasons I have before stated, he is sometimes compelled to enlarge it beyond a fair proportion; but there are other advantages, which the families of these labourers derive from extra services, which they contribute to the village, and for which they receive, although not a regulated hire, yet a requital which satisfies them; and is often their only support, from the dissipation of their head. For this reason, I have doubted whether it would be politic to attempt, because not clearly possible to effect, an improvement in the situation of the cultivator's servants, since it would only tend to weaken the government of themselves; and leave their families, who now excite, and benefit by, the compassion of the inhabitants, utterly destitute."

It will be seen from the above extract that Mr. Place, who devoted his special attention to the subject, found that the average earnings of the farm servant amounted to about 2½ kalams a month (this is evidently the small kalam) equal to about "105 pukka seers." From calculations given in a previous portion of the report, it would seem that Mr. Place took 4,800 pukka seers to be equal to a garce; the seer is therefore two-thirds of a Madras measure. At this rate, the farm servant's earnings at 105 pukka seers will amount to 8¼ Madras merkals *per mensem* or 105 merkals *per annum*. From this, however, a small deduction has to be made on account of the fees of artificers, which were included in the original calculations. Mr. Place shows, however, that the fees so included were "of no great amount and, therefore, were not deserving of separation"; but even deducting one-tenth on this account there would still be left about 95 Madras merkals for the farm servant, which is about the average arrived at in para. 39. *supra*.

45. Setting aside these calculations, which necessarily leave out of account various incomings which it is impossible to estimate accurately, the real condition of the Pariahs may be gauged in another way, viz., by determining the amount usually spent on luxuries. From calculations worked out by the Commissioner of Separate Revenue, it is observed that the amount annually spent on drink by the population of the Chingleput district comes to about 8½ lakhs of rupees, which

* Roughly estimated at about 73 p.c. gives a rate of Re. 1-0-6 per head of the portion* of the population which is not under any prohibition against drink. Taking the pariah population at 310,565, according to the recent census, it will be seen that these people voluntarily tax themselves, at a very moderate calculation, to the extent of Rs. 3,20,000 annually. This is at the rate of over Rs. 4 for each family. If, on the other hand, the calculation is made on the number of adult males and a deduction be made for the approximate number of the other castes to which the consumption of arrack and toddy is permitted, but which notoriously does not drink, then the annual liquor-bill of each pariah male adult amounts to nearly Rs. 5. This is probably nearer the truth. The fact clearly shows a substantial surplus of income over expenditure and disproves the existence of any widespread destitution.

It may be noted that Mr. Tremenhoe cites the consumption of liquor as one of the causes of pariah destitution, but this is begging the whole question which he was bound to prove. Drink in Chingleput, as elsewhere in the Madras Presidency, is not a potent cause of crime. The statistics of criminal justice disclose no tangible proportion of crime attributable to excess in drink, such as is the case in Great Britain. Drunkenness does not obtrude itself. On the contrary, drink is to a great extent consumed as a part of, or as a supplement to, food by certain classes to which its use is not forbidden by custom, dating long before British rule.

It is, for instance, a matter of common observation that during the palmyra toddy season, the physical condition of the lower orders all over the country undergoes unmistakable improvement. It is mere toying with a serious subject to suggest that, if a Pariah drinks in moderation, it is a cause of moral degradation, and is evidence of general poverty, and not of a measure of prosperity. Even the

Reverend Mr. Andrew describes the pariah community in Chingleput as "hard-working and muscular." This is totally incompatible with besotted excess in strong drink, or with a condition of chronic starvation.

46. **Mirasidar's claims to village-sites occupied by Pariahs.**—Coming now to the question of the mirasidar's claims to village-sites occupied by Pariah sub-tenants and farm servants, Mr. Tremenhoe states that this preposterous claim is a "potent instrument of oppression"; that "sometimes rent is exacted; generally the pumpkin and other poor vegetables of the tiny backyard are taken away as of right; while, if a member of the family should displease the 'master,' whether by wishing to leave the village to better himself, or by wishing to work under another master, or by any petty act of disobedience, the house may be pulled down or its entrance blocked up or life made intolerable in the family in other similar ways." From the correspondence printed in G.O., No. 704, dated 3rd September 1890, it would seem that in recent years the mirasidars have been in the habit of making a bolder assertion of their rights to house-sites than they appear to have done formerly. So long as wages, which are generally paid in grain, are fixed by immemorial custom, the farm servant has generally little or no inducement to leave one master and seek service with another, but if he does wish for a change, he can always effect his object by paying back any advance he may have received, which he generally manages to do with the help of his new master, who also undertakes to give him fresh house-sites, if necessary. But it is obvious that the position of the Pariah without a free house-site which he can call his own, is decidedly unsatisfactory and there have not been wanting instances, in which the mirasidars have attempted to annoy the Pariahs in various ways and to eject them, especially when the relations between them had become strained. A case of this kind occurred not long ago in a village in the Saidápet taluk, in which the mirasidars claimed that the Pariahs were their farm labourers, that the site of their paracheri was their absolute property by immemorial usage, and that they possessed a right to oust their farm servants whenever they refused to serve. The mirasidars even went the length of entering on the paracheri site and constructed two sheds there, ploughing up a portion of it. Mr. Galton, who was then Collector of the district, went fully into the whole question and came to the conclusion that the State

had complete right to control the appropriation of vacant village-sites in mirasi as in non-mirasi villages. He accordingly rejected the claims of the mirasidars to the paracheri as unfounded and directed the removal of sheds erected by them. The Board upheld the Collector's decision. It was believed that the mirasidars would take steps to establish their claims in the civil courts, but nothing apparently has yet been done by them although nearly six years have elapsed. Quite recently, there was a suit in the Chingleput court which ended in favour of the mirasidar, but this was due to the defendants not having brought forward satisfactory evidence as to their long possession of the site—*vide* para. 2 of Board's Proceedings, No. 362, dated 24th June 1890, printed in G.O., No. 704 of 1890.

47. In 1863 Mr. Banbury, the then Collector, issued a notice prescribing a scale for the grant of village-sites without any express exemption of mirasi villages from its operation. The fact is significant as proving that the State was even then assumed to possess the right of disposing of vacant village-site lands, and the notice itself, which undoubtedly amounted to an open assertion of such right, has never been directly challenged, though there is nothing to show definitely to what extent it has been actually applied in practice in mirasi villages. It has latterly been reported by Mr. Mullaly, the Sub-Collector, that in many cases, the mirasidars had contrived to get the village-sites entered in the adangal accounts in their own names as owners and in the names of the tenants or servants occupying them. It was found on inquiry, that, though in some cases, the mirasidar's right to the site was supported by entries in the paimash (original survey) and tarapadi (original settlement) accounts, yet that in many, there was no authority whatever for the double entry except the statements of the village kurnam. The Government considered that the recognition of any such claims on the part of the mirasidars "would be contrary to immemorial custom and opposed to public policy" and accordingly

directed that in all cases the double entry should be discontinued and the names of the present occupants alone shown in the accounts. It was considered, however, "that any distinct disavowal of the mirasidars' claims such as Mr. Mullaly proposed to make would be both injudicious and unnecessary."

48. Mr. Tremenhoe is of opinion that the orders of Government in this matter can have little or no effect. The Board considers that, with tact and judgment, the local officers should generally be able to protect the labourers against oppression and wrong, without, at the same time, causing unnecessary friction between them and the mirasidars; but when their disputes are unfortunately carried into the courts, the Board considers that steps should at once be taken, through the Government Pleader (who should always be instructed to give prompt intimation to the Collector), to have Government made a party and the claims of mirasidars to village-sites fully contested. Meanwhile, there seems no necessity for taking any legislative action, nor for the imposition of quit-rent on excessive house-site holdings, as recommended by Mr. Tremenhoe (para. 87). This last suggestion, it may be observed, is merely Mr. Farmer's proposal in another shape, rejected by the Board in its Proceedings, No. 2377, dated 19th October 1881. The excessive occupations of village-sites are not new nor, as pointed out by the Honorable Mr. Grose in his letter printed in the Board's Proceedings above referred to, are they always due, even in recent cases, to mere "encroachment"; being often obtained by actual purchases or by decrees of the civil courts. To place any undue restriction on the already existing internal distribution of village-site land will tend to lower the value of house-property, which has always been one of the most common and most valuable forms of property in this country. So long as the object of the assignment is not defeated by cultivation or otherwise, the interference of Government should be as little as possible.

49. **Separate sites to be set apart, where necessary.**—The only action that need be taken at present is to set apart, wherever the necessity is proved, separate village-sites for the Pariahs, out of lands reserved for public purposes or bought in by Government; where these are not sufficient, proposals may be submitted by the Collector for acquiring lands under the Land Acquisition Act, which doubtless covers such cases, the use of land for village-site being as much a "public purpose" within the meaning of section 4 of the Act as any other use of it. Out of lands thus set apart or acquired, portions, where necessary, should be assigned to Pariahs for building purposes, to be held only so long as the buildings last and to be liable to assessment if transferred to others by sale or otherwise. These restrictions are necessary in the interests of the Pariahs themselves, who, owing to their poverty and their general improvidence, may easily fall into debt, lose the newly-acquired site, and thus sink into a worse position than they occupied before.

50. **Instances of oppression of the Pariahs by the mirasidars.**—In section XV. of his note, under the head of Miscellaneous Observations, Mr. Tremenhoe states that the mirasidars oppress and persecute the Pariahs in various ways, when they chance to disobey their orders. A long list of the methods adopted is given in para. 134 and it is said that the civil and criminal courts, which should redress such wrongs, are practically useless to the Pariahs, because, in the first place, they have neither "the courage to go to the courts" nor "the money to employ legal knowledge and meet legal expenses and means to live during the cases and the appeals," and, in the second place, most cases, Mr. Tremenhoe says, "depend upon the decision of the first courts, and these courts are presided over by officials who are sometimes corrupt and who, generally for other reasons, sympathize with the wealthy and landed classes to which they belong." These charges against the subordinate Revenue and Judicial officers are of too sweeping a character and no particular instances are quoted.

There is no ground whatever for accepting the statement regarding the grinding oppression supposed to be inflicted by the mirasidars, being submitted to by the Pariahs owing to ignorance of their rights. Their connection with the presidency town would, in any case, make such a thing impossible at the present day. But as a matter of fact, the Pariahs have asserted their independence at least

for a century past, as pointed out in paras. 5 and 6 of the Resolution. It must also be remembered that several of the Pariahs resident in Madras are more than fairly well educated and that owing to their intimate association with Europeans as domestic servants and as employes in railways and factories, they have acquired considerable independence of character. They are not a class distinct from the sub-tenants and farm servants of Chingleput, but are intimately related by blood. Communication is maintained with the ancestral village, which is visited at intervals. The village Pariahs, in the same way, are in the habit of frequently visiting Madras on the business of their masters or for their own purposes. It is perfectly impossible, therefore, under these perfectly well known circumstances, for the very high rates which pariah labour commands in Madras, not to react on the condition of pariah labour in Chingleput, while all idea of oppression is, other reasons apart, put out of the question by the facility with which a discontented farm servant can carry his labour to another market. The plain reason for the Pariah, as a rule, sticking to his village is that he is fairly comfortable there. The mirasidars dare not treat their sub-tenants and farm servants badly for fear of their land being thrown out of cultivation, for, as pointed out in para. 36 *supra*, the pariah population, instead of being redundant, as incorrectly stated by Mr. Tremenhoe, is actually insufficient for the proper cultivation of the district. This, together with the physical condition of portions of the irrigable area included in the holdings but left occasionally waste, is the real cause of an average of 25,000 to 29,000 acres being annually left uncultivated.

51. Education of the Pariahs.—Among the other suggestions made by Mr. Tremenhoe are:—

- (1) The provision of some special scheme of education which shall reach the mass of the Pariah population.
- (2) The organization of a system of State-protected emigration to Upper Burma and other parts of the Indian Empire to relieve the pressure of population in the district, especially of the lower classes.
- (3) The protection of the Pariah against an excessive number of drink-shops.
- (4) The introduction of a proper system of sanitation into the Pariah hamlets.

52. As regards education, the Pariah, through no fault of his own, but owing solely to the social disabilities imposed upon him by the Hindu caste system, has not been able to participate in the benefits conferred by Government upon the community at large. Except from schools specially provided by benevolent mission agencies, the children of the out-caste Pariah are generally excluded. Mr. Tremenhoe points out (para. 96) that, out of a total number of 11,490 school-going children in the district, only 1,443 or 12 per cent. are Pariahs, of whom more than 81 per cent. or 1,176 attend the mission schools, and the rest, or less than 19 per cent., the non-mission schools. In the Tiruvallur taluk, out of 303 villages, there are, it is said, no less than 260, which cannot boast of a single Pariah who can read and write, while in the remaining 43 villages there are only 177 adults who can read and write. In 272 of the villages, there is not one Pariah child at school, while in the other 31 villages there are 221 boys and 36 girls.

53. The obstacles which stand in the way of educating the Pariahs are set forth as follows (para. 98):—

- (1) The obstruction of the mirasidars and other masters of the Pariahs.
- (2) The prejudices of the caste people in not allowing their children to read in the same school as Pariah boys and of the schoolmasters in making the latter sit outside the schools.
- (3) The absence of trained Pariah schoolmasters and the denial of grants-in-aid to unpassed and untrained masters.
- (4) The insufficiency of the result grants obtained by the masters to maintain the schools, though these are 50 per cent. more in the case of Pariahs than in the case of other castes.
- (5) The poverty of the Pariahs and their consequent inability to pay the school-fees, besides the necessity which the parents find themselves under to employ their children to tend cattle or to do some other work.

54. With a view to remove these difficulties, Mr. Tremenhoe proposes—

- (1) To increase the number of Pariah day and night schools, so as to give one school for every large paracheri.
- (2) To train Pariahs in the normal schools under a system of scholarships.
- (3) To substitute salary grant for the present result grant system in these special schools.

Finally, Mr. Tremenhoe recommends that the management of these Pariah schools should be undertaken by Government which alone can afford to bear the financial burden of the measure and which may be expected to maintain a much more sympathetic policy in favour of the low castes than the Local Boards.

55. There can be no question that until education is more widely spread among the Pariahs there is not likely to be any very material improvement in their social condition. Education in Government or in aided schools has been, in theory, open to all, and indeed specially liberal terms have been already offered by Government to the Pariahs. There is little doubt, however, that caste prejudice has operated largely to deprive the Pariah of the opportunities of educating himself held out by Government, and that the time has arrived when special measures on his behalf at the public expense require to be taken. The Government has already recognised the propriety of adopting special measures and has called for proposals from the Director of Public Instruction as will be seen by the following remarks recorded in the report on public instruction in the Presidency for 1890-91:—

“There are only 22,050 children of the Pariah class under instruction—a proportion so small that this large section of the community may be said to be practically unrepresented. Progress must inevitably be extremely slow in the case of a class in the position of the Pariah, but every effort should be made to ameliorate their educational condition. With this object, it may be necessary to open a large number of special schools for low-caste Hindus alone. The Government desires the opinion of the Director of Public Instruction on the subject. The matter is important and has received very inadequate notice in the present report.”

56. The following note kindly furnished by Dr. Duncan, Acting Director of Public Instruction, shows what is being done in the matter:—

“The Education Commission, in their report, brought to the notice of Local Governments the pressing need there was for adopting special measures to improve the educational position of the lower castes; and one of their recommendations was to the effect:—‘That the establishment of special schools or classes for children of low castes be liberally encouraged in places where there are a sufficient number of such children to form separate schools or classes, and where the schools already maintained from Public funds do not sufficiently provide for their education.’ The education of low castes and backward classes has for several years past received the special consideration of this department. The fee rules have always been favorable to pupils of these classes, and the Grant-in-aid Code allows special concessions to schools attended by the poor and backward classes including low castes; but it must be admitted that the question of the education of the Pariahs as different from that of the low castes and backward classes in general has not hitherto received the special attention of the department. The subject was first brought prominently to the notice of Government and the public by mission bodies last year.

“2. The difficulties that are in the way of admitting the claims of Pariahs and other low-caste children are chiefly of a social and religious nature, owing to the existence of the system of caste. It is true that the Government has laid down, as a general principle, that no boy can be refused admission into a public school maintained from Public funds, whether Provincial, Municipal or Local, merely on the ground of caste, but as a matter of fact this rule has remained hitherto a dead letter so far as schools in villages are concerned. On the 10th February 1892, a circular, No. 1664, was addressed to the inspecting officers and they were asked to report on the expediency of making the admission of Pariahs into secondary schools a condition of recognition and of aid. With only one exception (the Assistant Inspector, 3rd Division) all the inspecting officers unanimously state that

in large centres little objection is taken to the admission of this class into well-conducted schools, and that in small towns, in which the inhabitants are conservative, existing schools are almost ruined by an attempt to admit Pariah children, and that it would therefore be highly prejudicial to the interests of education to insist upon such admission as a condition of recognition. Miss Carr writes as follows:—

“I have good reason to believe that there are many Pariah children reading in schools, but not under that name. As soon as Pariahs succeed in raising themselves a little in the social scale, and begin to get a little education, they discard that name and classify themselves as “others,” or more often become Native Christians and are classed as such. Many of the pupils of Native Christian mission schools belong to this class, and some are admitted into what are frequently called the mission caste schools, and also into the Government girls’ schools. If the teachers possess tact, so long as the antecedents of the Pariah children are not aggressively brought to light, the high-caste children and the Pariah children read side by side in the same class without opposition; but if it is once forced upon the notice of the high-caste parents that there are Pariahs in the school, they think it their duty to remove their children unless the Pariahs are dismissed. Such an instance occurred in the practising branch of the training school, Coimbatore.”

“3. As pointed out by Miss Carr, the number of pupils entered under ‘Pariahs’ in the educational returns does not necessarily include all the pupils belonging to that class.

“In 1890-91 there were 22,050 Pariah children under instruction, distributed as follows:—

Government	408
Board	1,053
Aided	13,903
Unaided	5,572
Indigenous	1,114
Total	22,050

The aided and the unaided schools mentioned above are mainly mission schools, so that it is clear that the little that has been done has been done through the philanthropic efforts of the mission agencies supplemented by Government aid.

“4. In the educational returns of 1890-91, 47,510 Christian pupils are shown as reading in schools. It is presumed that a considerable portion of them were children of Pariahs converted to Christianity.

“5. Among individual missions that have done a great deal for the Pariahs may be mentioned the Wesleyan and Free Church Missions in the Chingleput district, the London Mission in Cuddapah, Kurnool and Bellary, the American Baptist Mission in Nellore, and the American Arcot Mission in North Arcot. In most of these districts there has been considerable increase in the number of Pariah children under instruction. The total number of pupils of the Pariah and kindred races at school in the Chingleput district is given below for the past five years:—

1886-87	995
1887-88	868
1888-89	840
1889-90	1,478
1890-91	1,588

“The figures for 1890-91 are shown below in further detail:—

Government	18
Board	2
Aided	1,213
Unaided	267
Indigenous	88
Total	1,588

“6. As the policy of this department is to leave primary education as much as possible in the hands of private agencies and Local Boards, it is unable to do

much directly in the way of pushing forward the education of the Pariahs. Indirectly it is affording all the help in its power. The new fee notification gives power to the Director to fix the proportion of pupils of backward or indigent classes that may be admitted into a Government, Board, or Municipal school without payment of fees, and to Government the power to fix for the presidency generally or for any district the favorable rates at which children belonging to these classes shall be admitted into schools under public management. The direct measures necessary to push forward the education of Pariahs must, as circumstances now stand, be left almost entirely to private agencies and Local and Municipal Boards. The mission bodies have borne their share of responsibility. It is feared that this is not the case with Local Boards. The matter, however, has been brought to their special notice by Government in connection with the Local and Municipal budgets and the accompanying statements A and B show what practical steps are being taken by each Board and Municipality as regards the establishment of schools mainly intended for Pariahs. It will be seen from the annexed statements that several municipalities have provided for the opening of salary-results schools for Pariahs, and that in 16 districts provision has been made for the education of Pariahs and other low-caste children in Board schools specially intended for them. For reasons given above no specific provision has been made for this purpose in the Provincial budget, but the Grant-in-aid Code now in force allows a favorable rate of results grant, which is 50 per cent. higher than that prescribed for Hindu pupils, and in the matter of salary grants, also, teachers of schools for backward classes are allowed very favorable rates. Half grants are passed for the purchase of books and slates for the use of Pariah pupils. Liberal grants are given for furniture, maps, and apparatus. Special scholarships are awarded to pupils of backward classes prosecuting their studies beyond the lower secondary course. Revised Chapter III., which has received the general approval of Government, affords further facilities for the opening of schools for backward classes in backward localities under qualified teachers.

“7. In a circular letter, No. 3448, dated the 11th March 1892, the secretaries and other gentlemen representing the important mission societies in South India have been requested to state their views as to the best means of ameliorating the condition of this class. Replies have not been received from all the gentlemen addressed. A complete reply with suggestions will be submitted to Government at an early date.”

57. **State-aided Emigration.**—As regards the organization of a system of State-protected emigration to Upper Burma and other parts of the Indian Empire to relieve the pressure of population in the district, especially of the lower classes, no facts are adduced to prove the necessity of any special action on the part of Government, and Mr. Tremeneere himself admits (para. 90) that this “is not a matter on which any very certain opinion can be held.”

The question was fully discussed by the Board in February 1890, in reply to a reference from the Government of India, and it was then shown, from an analysis of the statistics of emigration, that “the possibilities of emigration must be very generally known among the people of the Presidency; that it is very largely resorted to, and that there was no necessity for any scheme of State-aided emigration.” This opinion was endorsed by Government in G.O., dated 23rd June 1890, No. 175 (Confidential).

58. In the Chingleput district, the pressure of population has not reached anything like the limit which would call for the removal of a portion of it to other countries. According to the recent census, the average density does not exceed 400.19 per square mile, not at all a very high rate, considering that about 62 per cent. of the cultivated area is under irrigation. There are five other districts which show a higher density, with a smaller proportion of irrigated area in all but one, viz., Tanjore. It is a very

District.	Density per square mile.	Percentage of irrigated to total cultivated area.
Vizagapatam	452.51	24
Godavari	407.40	59
South Arcot	414.00	24
Tanjore	600.41	77
Malabar	474.79	51

64. The condition of the district has undergone marked improvement during the last fifteen years; the assessment has been equalised; large extents of land have come under the plough and much attention has been devoted to the efficiency of the irrigation works. Madras supplies a profitable market for all produce. The communications, which include three railways, are excellent. The town of Madras supplies ample employment to artificers, labourers, and servants. In point of fact, therefore, Chingleput is the very last district in the Presidency in which the special intervention of Government, to ameliorate the lot of any class of the community, can reasonably be suggested. The Board has it on the authority of the Commissioner of Separate Revenue, whose duties entail touring over all the districts of the Presidency, that the Pariah population is certainly not the section of the population which, at the present day, feels the pinch of hunger and poverty most. They are bound by no restrictions. Whereas, in other castes, a man is born a weaver, an astrologer, a carpenter or a goldsmith and is debarred by caste rules from undertaking work which is considered derogatory; the Pariah is able to turn his hand to anything. Positively no walk in civil or military life is closed to him. He has taken full advantage of this peculiarity. The Pariah, moreover, has always formed the first care of the missionary of every shade of belief, and the progress of the community, as a whole, displays every sign of immediate and indefinite expansion in all directions, for it is far better prepared and adapted than the caste classes to take advantage of the development of trade and industry in India. The best thing to do, therefore, is to let well alone and leave natural developments to themselves. By all means let Pariahs become landholders when the portion of them available for such occupation is fitted for the position by practical education in habits of orderliness, self-respect, and thrift. But naught save ruin can come of setting up the Pariah yokel to cast hungry eyes on his master's property.

65. Conclusions.—The conclusions which may be drawn from the observations recorded in the foregoing paragraphs may be summed up as follows:—

(1) That the mirasi system is not materially affecting the extension of cultivation and that its only effect is to give the mirasidar a prior right to the occupation of waste subject to the payment of assessment to Government, a right which he is believed to be generally willing to waive in favour of a fee of 2 annas per rupee of assessment to be paid to him or to the mirasi body by any non-mirasidar who enters into occupation of mirasi land;

(2) That the Pariahs in Chingleput are under no greater disadvantage in the matter of acquiring lands, save and except this small payment of 2 annas per rupee of assessment, than in any other district of the Presidency, other conditions being equal;

(3) That their material condition, whether as cultivating tenants or labourers, does not differ from that of other similar classes in the Presidency, and, though they are generally poor and improvident, they earn enough in all ordinary seasons to give them a sufficiency of food to keep them in health and strength;

(4) That the disabilities under which they suffer in the matter of education and which are real should be redressed by the establishment of special schools; and

(5) That any difficulties thrown by mirasidars in the way of pariah cultivators obtaining house-sites should be met by the grant of the free house-site which is the privilege of the agriculturists in other districts of the Presidency.

(True Copies and Extract.)

(Signed) P. RAJARATNA MUDALIAR,
Secretary.

To the Secretary to Government, Revenue Department.
„ Collector of Chingleput.

ORDER—dated 30th September 1892, No. 1010, Revenue.

The foregoing papers relate to the condition of the Pariahs and other low-caste

sections of the population of this Presidency and to certain proposals which have been put forward for its amelioration. The attention of Government was first drawn to the matter by a sensational paragraph in a letter from Mr. Tremenhoe, Collector of Chingleput, which is extracted in the margin. The Government called on him for a report as to the "easy means" of amelioration referred to: this was submitted with Mr. Tremenhoe's letter of the 5th October and is exhaustively reviewed in the Board's Proceedings of the 19th August last.

Meanwhile the question had been taken up by the press and was discussed not only in the local newspapers, but in an article which appeared in the *London Times* of the 13th July 1891. A conference of representatives of the leading Missionary Societies was held and a memorial was presented to Government on the 26th May 1891. Finally the matter attracted the attention of Parliament and copies of questions and answers on the subject in the House of Commons were furnished with the Secretary of State's despatch, dated 7th July 1891. These papers have been printed in full above and will be dealt with together.

2. Taking first Mr. Tremenhoe's report, which deals with the same points as the memorial of the Missionary Conference but at greater length, the Board has shown in its able and comprehensive review, for which the Government is much indebted to it, that Mr. Tremenhoe's account of the depressed condition of the Pariahs and of the disabilities under which they labour is greatly exaggerated. No doubt a large proportion of the low-caste population is poor and lives from hand to mouth, but it is questionable whether there is anything like as much misery amongst the poorest classes in India as there is in any large European city. It must be borne in mind that the wants of the lowest classes in India are very small, their food is cheap, scant clothing suffices and they do not require protection from a rigorous climate. In years of normal harvests the able-bodied can easily make a living, and those who cannot do so from age or infirmity are supported by private charity. This is by no means the case in the poorest parts of England. Mr. Tremenhoe's highly-coloured description of the Pariahs of Senneri would apply with equal truth, or rather it may be said without greater exaggeration, to the lowest classes in European countries. After a careful examination of the facts of the case as evidenced by statistics and published reports, the Board has come to the conclusions—

(a) that the material condition of the Pariahs of Chingleput, whether as cultivating tenants or labourers, does not differ materially from that of other similar classes in the Presidency, and that, though they are generally poor and improvident, they earn enough in all ordinary seasons to give them a sufficiency of food to keep them in health and strength;

(b) that the mirasi system is not materially retarding the extension of cultivation, that the Pariahs of Chingleput are under no greater disadvantage in the matter of acquiring lands, save in respect of the small payment of 2 annas in the rupee of assessment representing the manorial fee of the mirasidars, than in any other district of the Presidency, and that the intervention of Government is not called for except to the extent of affording special educational facilities and the grant of free house-sites.

It is unnecessary to examine in detail the grounds on which these conclusions are based as they are fully set forth in the Board's Proceedings, and the Government entirely concurs in the views enunciated except as regards the effect of the judgment in the Vyasarpady case which will be dealt with below. Two significant

facts bearing on the condition of the Pariahs of Chingleput, to which the Board alludes, may, however, be specially noted, namely, that during the recent distress hardly 2 per cent. of the Pariah population sought employment on Government relief works (para. 43), and that this section of the community must spend something like three lakhs of rupees annually on liquor.

3. The Board has carefully examined Mr. Tremenheere's "easy means of amelioration" and shows that the remedies he proposes are for the most part impracticable,—in fact Mr. Tremenheere has not attempted to work out his scheme, but throws out suggestions for the formation of Pariah settlements and State-aided emigration without any consideration of ways and means. He has not paused to consider what the establishment of large bodies of paupers on allotments of land either in this Presidency, or in some other province, will cost; how they are to be maintained until they become self-supporting; how the enormous sum which would be required is to be found; by what agency any such scheme is to be worked and whether it would be just to appropriate the proceeds of general taxation in this manner. His whole scheme is based on a fallacy, namely, that the "direct connection of the Pariah with the land is the *main lever* with which we can raise his material condition" (para. 29). The Board completely disposes of his project in the following single sentence: "Any attempt to bolster up the Pariah or any other labouring classes in the way proposed by Mr. Tremenheere can only lead to an increase of pauper holdings without any advantage either to the cultivator himself or to the Government" (para. 26)—an expression of opinion in which the Government entirely concurs.

Mr. Tremenheere is to blame for his thoughtlessness in dealing with such an important matter in a hasty generalization, while, so far from proving that the amelioration of the Pariahs is an "easy" matter, he has entirely failed to do more than show that it is surrounded by difficulties, whilst he has not indicated any way of treating them successfully.

4. As regards the question of mirasi right, great diversity of opinion has existed on the subject and passages may be quoted from the early writings in support of widely divergent views ranging from the theory that the mirasidars possess proprietary right over the whole of the lands in the village, whether cultivable, uncultivable or poramboke, to the doctrine that their rights are confined to a mere preferential claim to occupy the cultivable waste. Whatever may be the correct view of the position in the early days of the century, however, there can be no question that in recent times no rights in excess of a preferential claim to occupy waste lands in their villages for cultivation and in Chingleput to levy a fee from non-mirasidars, who may take up land for cultivation, have been recognised by Government. The former privilege is secured to the mirasidars by the despatch of the Court of Directors, dated 28th July 1841, and cannot be abrogated without the orders of the Secretary of State in Council, and after the lapse of half a century it would not be fair to withdraw it except on payment of compensation which would involve enormous cost. The latter privilege was conceded at the introduction of the new settlement in 1876-78, and it is too late to re-consider the question now. These two privileges must, the Government considers, be continued, but it is not prepared to admit the absolute right of the mirasidars in all the waste lands of their villages, nor does it agree with the Board in considering that this right was established by the High Court judgment quoted in para. 9 of the Board's Proceedings read above. The tenor of Sir Charles Turner's remarks on mirasi right goes to show that he was not prepared to accept the view which has been put forward by some authorities in favour of the possession by the mirasi body of an unqualified right even in immemorial waste, much less in land expressly reserved for public and communal purposes, and the judgment cannot be quoted in support of a wider proposition than that the mirasidars have a preferential right to the occupation of the cultivable waste for agricultural purposes and that, under certain circumstances, they may possess proprietary right in the immemorial waste. The judgment does not touch the case of *poramboke*, nor is it of general application; it merely affirmed the right of the mirasidars of Vyasarpady to sell the occupancy

right of the waste in that village on the ground that there was evidence of the exercise of the right from time to time for a number of years and that the right had not been questioned by the Revenue authorities, but that, on the contrary, the Government had on several occasions itself purchased land from the mirasi body for public purposes. In G.O., dated 1st June 1870, No. 796, which is not alluded to by the Board, the Government held that the State had the right to appropriate immemorial waste lands in mirasi villages for State purposes without reference to the mirasidars, and refused to admit the claim of the mirasidars to preferential occupation, rent or compensation. The Government resolves to maintain this position and is prepared at the earliest opportunity to contest the right of the mirasidars to anything more than a preferential right of occupancy of cultivable land, in view to obtaining a declaration of the right of Government to deal with all *poramboke* and immemorial waste in mirasi villages. The Board will instruct the Collector to bring to notice any favorable opportunity which may occur for taking such action.

5. The Government further considers that the absolute right of Government in all lands bought in for arrears of revenue under Act II of 1864 should be maintained. Paragraph 3 of the Board's S.O. No. 110 based on G.O., dated 20th February 1883, No. 244, declares that the rights of Government in such lands are absolute and that they should not be treated in the first instance as village waste available for occupation by ryots, with or without darkhast, but should be entered in a separate register and sold if they possess a saleable value. The Board has

recently held that this declaration applies equally to Chingleput, and that the preferential right of the mirasidars is extinguished by the purchase of the occupancy right by Government. It has accordingly directed an addition to this effect to be made to the special darkhast rules for the Chingleput district. These lands, the area of which in the district of Chingleput amounts to about 1,500 acres, are available for allotment to Pariahs as the Board points out in para. 26 of its Proceedings, and the Collector should be instructed to assign them in small plots to such members of the Pariah community as have the capacity to cultivate them with advantage, special care being taken in the selection of the assignees. If, at any time, the mirasidars should sue the occupant put in possession by Government to establish a preferential right to occupation or a claim to manorial fees, the Government Pleader should be instructed to appear on his behalf and on behalf of Government to contest the claim.

6. As regards the provision of village-sites for the Pariahs, the Collector should be directed to take steps for assigning as "*poramboke*" from the waste, or for acquiring by purchase when no waste is available, sites for paracheris in or near any mirasi village in which the mirasidars claim the right to eject their tenants from their house-sites and the latter are left houseless. All cases of attempts so to eject should be specially reported to Government in view to the right being fully tested in the courts. Two decisions of the late Sadr Court, dated 29th June 1849 and 18th April 1860, printed at pages 487, 488 and 585, 586, respectively, of the volume of mirasi papers, may no doubt be quoted in support of the right of the mirasidars to eject their *porakudis* or sub-tenants from house-sites allotted to them out of the village-site, subject to the payment of compensation for improvements; but it must be borne in mind that the Government was not a party to these decisions and its right to regulate the appropriation of the village-site in mirasi villages has never been adjudicated upon by the courts as far as is known. The Government should be represented and its case fully argued in any suit which may be brought before the courts involving the claim of the mirasi body to the village-site. In all such new paracheris a small quit-rent for each house-site should be charged and the grantee should be at liberty to dispose of it and the house built on it, as he pleases, subject to the payment of the quit-rent.

7. The Board is undoubtedly right in holding that the education of the Pariahs is the means by which the greatest and most lasting benefits may be effected. The note from the Director of Public Instruction set out in para. 56 of the Board's Proceedings shows that much attention is being paid to the subject,

and on receipt of the further report embodying the views of the principal Missionary Societies in Southern India, which Dr. Duncan promises to submit at an early date, the Government will be prepared to do whatever is reasonable and in its power to forward the cause of the education of the Pariahs.

8. Mr. Tremenheere's remarks regarding the injustice which has been perpetrated under the Breach of Contract Act XIII. of 1859 are proved by the statistics given in para. 34 of the Board's Proceedings to be greatly exaggerated. The number of convictions in Chingleput during the last 8 years is shown to have been very small and the majority of those convicted were not sent to prison. The Act directs that the magistrate should, at the option of the complainant, require either the performance of the work or repayment of the advance, imprisonment being awarded only for non-compliance with the order. A statement of the cases disposed of under the Act between 1884 and 1891, furnished by the District Magistrate of Chingleput, gives the following particulars:—Number of persons under trial 1,128; acquitted or discharged 848; ordered to work out the advance 246; ordered to return the advance 34. Sentence of imprisonment for default was awarded in 84 cases only; of the 280 persons convicted, only 19 appealed, the convictions being quashed in the case of 16 persons, and reference was also made to the High Court regarding 3 persons with the result that the convictions were set aside. The figures do not exactly tally with those furnished by the Board and the return may not be quite complete, but the number of convictions (280) falls short of the Board's total by 7 only, and considering that only 84 of these were actually imprisoned, Mr. Tremenheere's strictures on the working of the Act are evidently unfounded. Erroneous judgments have no doubt been given by the subordinate magistracy from time to time owing to misapprehension of the law, but this may and does occur in respect of many other enactments, and there is nothing in the rulings of the Madras High Court, to which Mr. Tremenheere refers, to show that the erroneous decisions of the magistracy have been caused by any defects in the law. They appear to have been due to the misconception or ignorance of the officers administering the law, and injustice resulting therefrom can only be prevented by close supervision on the part of the superior magistracy. The attention of District Magistrates will be drawn in the Judicial Department to the necessity for a careful scrutiny of the proceedings of the subordinate magistracy in breach of contract cases with a view to irregularities being promptly checked. There does not appear to be any necessity to amend the Act; and as to Mr. Tremenheere's proposal that labour contracts should be limited to one year, it is sufficient to observe that a free man is at liberty to contract as he pleases for his own labour and it would be inequitable to place such a restriction as is proposed on his freedom of action. A change in the law to enable registrars to reject documents when the executants deal with the persons or labour of third parties or signify their liability to statutory punishment which does not apply to the case has, however, already been proposed and noted for consideration when the Registration Act (III. of 1877) is amended (*vide* G.O., dated 21st November 1881, No. 2401, Judicial). The suggestion that labour contracts should be compulsorily registrable is inadmissible, as the requirement in the case of every petty contract would be productive of great inconvenience to masters and servants.

9. It may be observed that Mr. Tremenheere's remarks regarding the excessive number of liquor shops in the Ponnéri taluk are misleading. The fact that the area per shop of the arrack and toddy shops combined is only 2.1 square miles is no proof of undue encouragement of indulgence in intoxicating drink. The difference between arrack and toddy shops is very great, for a toddy shop, in its best aspect, is a place where people can get a wholesome supply of what is both food and drink to them. The number of arrack shops alone is moderate, being 1 per every 6.8 square miles.

10. Turning next to the representations of the Missionary Conference, it is necessary first to correct a misstatement as to the number of the Pariah population. The memorial asserts that, "according to the census of 1881, the Pariahs numbered 4,439,253 or nearly 4½ millions, and other low castes indicated by the heading 'Others, including 'not stated,' &c.,' numbered 2,811,841 or nearly 3 millions. If to these figures

be added the average rate of increase reported by the census of 1891, they may be regarded as representing a total of nine millions or 25 per cent. of the population of the Madras Presidency."

The number of the Pariahs, according to the census of 1881, is correctly stated as 4,439,253; but the memorialists err in taking the major heading in the census returns "Others, including 'not stated,' &c.," as representing outcastes. The Census Report of 1881, para. 7, page 112, states that this major head includes 75 castes; of which 14 are enumerated in paras. 410 and 411 (page 113) as shown below:—

1. Oddars (earth-diggers)	363,422
2. Vanians (oil-makers)	316,694
3. Upparavars (earthsalt-workers)	104,985
4. Koravars (the wandering class)	55,645
5. Vedans (hunters)	51,854
6. Oriyas	101,206
7 to 14. Different tribes of hillmen	758,729
	1,752,535

out of a total of 2,811,841 or 75.74 per cent. As these are not outside the caste system their classification with Pariahs is obviously incorrect. The total number of Pariahs and other low castes, according to the census of 1891, was 5,162,086, showing an increase of about 750,000 or 17 per cent. as compared with the census of 1881. The percentage of increase of the whole population was 15.9 for Chingleput and 15.5 for the whole Presidency, so that, despite its poverty, the Pariah community is increasing at a more rapid rate than the average of the population, and conclusively proves that the statement that "they are eaten up with leprosy or other horrible diseases" is incorrect. The statistics of the census of 1881 also show that the Pariahs did not suffer from the effects of the famine of 1876-78 to a greater extent than castemen.

11. In para. 6 of the memorial the disabilities of the Pariahs are enumerated under six heads, and in para. 8 certain proposals are made for remedying their grievances. The Government will deal briefly with these *seriatim*.

(a) "Though Government has proclaimed slavery to be illegal, many Pariahs are living in practical slavery. In defiance of the Indian Penal Code, mirasidars induce Pariahs to sign documents surrendering the liberty of themselves and children and thereby becoming their actual slaves. These slaves are found in more than one district."

The remedy proposed is that the illegal practice of agrestic slavery by means of written documents should be summarily dealt with. There is no specific proof of the slavery alleged to exist. The existing law provides sufficient safeguards against slavery, and there does not appear to be any particular in which the law needs amendment. If the documents referred to contravene the law, the aggrieved parties have their remedy in the courts. Although slavery is not recognized, every free man has the right to enter into a contract for the disposal of his labour and those of the members of his family dependent on him for support, and if he is cajoled into a contract of slavery it is, *ipso facto*, null and void and voidable at his own pleasure. There is no scope for the intervention of Government, but it would be a service if the missionaries would expose any cases of the kind which may come to their notice. The only remedy, if such cases exist, is the spread of education. The remarks of the Board in para. 34 of its Proceedings may be noted in this connection.

(b) "A considerable section of the Pariahs cannot find sufficient employment, and on this account suffer greatly from want of food and increase the difficulties of relatives who are themselves overburdened and underfed. The Census Report of 1881 (*vide* vol. I., page 162) shows that this section includes upwards of 10 per cent. of the Pariah community, or nearly six hundred thousand persons. These may be described as the paupers of a well-nigh pauper community; for even in ordinary years, when the rainfall is not deficient, a large section of the Pariahs does not obtain necessary and proper food."

The Board's report (*vide* paras. 7, 14—16, 36—46 and 64) completely disproves the statement as to the difficulty experienced by the Pariahs in finding employment

and as to their suffering from want of food in ordinary times. It is shown on the contrary that the Pariah community is better off in respect of employment than the poorest members of the caste classes, because many avenues of employment are open to them which are closed to the latter; they are not trammelled by caste rules and can turn their hands to any work which offers: they are, moreover, less reluctant to emigrate. The Pariahs of Chingleput must experience less difficulty in finding employment than their brethren elsewhere owing to the large demand for agricultural labour and the proximity of the Presidency town. With reference, however, to the Board's remarks regarding the number of agricultural labourers available per acre, it may be observed that, in addition to the 122,494 labourers, there are 184,986 sub-tenants, who have not been taken into account, and that there are 346,027 landholders of whom a portion at least probably cannot afford to engage labourers to work for them. The dearth of labour therefore does not appear to be so great as the Board's calculation indicates. As regards insufficiency of food, the Board, by a careful examination of the resources of the agricultural labourer estimates that he earns enough to maintain himself and his family, and that he must have a margin for luxuries as shown by the expenditure on liquor in the Chingleput district. No statistics are available as to the earnings of artisans, but there is no reason to suppose that they cannot maintain themselves, and the mere fact that the Pariah community is increasing faster than the rest of population generally negatives the supposition that it is in a chronic state of starvation. The memorialists have fallen into error in supposing that 10 per cent. of the Pariah community (or about 600,000 persons) are shown by the Census Report of 1881 to be without employment. The portion of the report quoted has reference to those whose employment was "not specified" in the census schedules as well as those who were returned as "without occupation," and there is nothing to show that 10 per cent. of them were Pariahs.

(c) *"The Pariahs experience frequent and manifold injustice at the hands of the higher castes. The full amount of wages justly due to them is not paid. They are coaxed or compelled to sign documents giving their consent to unjust demands, the real nature of which they do not know because they cannot read. Their property is illegally seized for alleged debt. They are pitilessly rack-rented as sub-tenants and must submit to it, for they cannot find other work nor another home. Though Collectors generally favour the view that Pariah sub-tenants, by lengthened occupancy and due payment of kist and swatantra, are not liable to eviction, District Munsifs' courts decide against the Pariah and the power of eviction thus bestowed places the Pariah more completely in the hands of the mirasidar."*

Here, again, there is no specific proof. If the Pariahs are cajoled and cheated owing to their ignorance and folly, Government cannot prevent it. It is again a question of education and time. Nor can Government prevent their being rack-rented as sub-tenants if they are so. As sub-tenants the Pariahs have not occupancy rights; they do not pay kist, but rent, and if they are evicted by District Munsifs under decrees, it is only in due course of law and in accordance with the engagements into which they voluntarily enter.

(d) *"They are the victims of much vexatious and unnecessary litigation. Their testimony is practically regarded as worthless compared with that of their oppressors. The courts pronounce against them, they cannot pay costs; hence documents are written in which the costs stand as debts at interest due to the mirasidars."*

This complaint is of the vaguest character. The Government has no reason to believe that Pariahs or others low in the social scale are at any disadvantage in litigation other than is inseparable from their ignorance, or that the evidence of Pariahs *quâ* Pariahs is treated by the courts with any special disregard.

(e) *"The present state of the laws relating to waste lands and the opposition of village officials, mirasidars and the higher castes generally make their efforts to obtain and hold such lands direct from Government costly and futile, and generally at least in the southern districts, their efforts to gain an independent footing as pattidars are vigorously resented."*

The memorialists ask that the Pariahs should be equally eligible with others for obtaining waste lands, and that the right of pre-emption (preferential right of occupation?) enjoyed by the mirasidars should cease. There is no disability in

regard to the acquisition of land attaching to low-caste persons, as in Chingleput and Tanjore there is such disability as regards non- and the bulk of such applicants for unoccupied land in those districts undoubtedly the lower castes. The preferential right of the mirasidars to the occupation of the waste was deliberately recognised by the Court of Directors in 1841 after considerable discussion, in which the views of Sir Thomas Munro, quoted by the memorialists were duly considered. The passage quoted in the memorial, moreover, bears a different construction than that which the memorialists have put upon it when read with the context. The full text is as follows (vide page 438 of the Volume of Mirasi Papers):—

"It has been supposed that in meeras villages in Arcot, in the original compact between the Circar and the first settlers, the exclusive use of the waste was secured to those settlers: but it has already been shown that in all villages, whether meeras or not, the inhabitants reserve to themselves the exclusive use of the waste. But this right is good only against strangers, not against the Circar, which possesses, I think, by the usage of the country, the absolute right of disposing of the waste as it pleases, in villages which are meeras as well as in those which are not. In the Deccan in meeras villages the corporation has not the right of disposing of unoccupied land, but the Circar has."

It will be observed that Sir Thomas Munro merely dissents from the proposition that the "exclusive use of the waste" was secured to the first settlers, and that this right was good as against Government; the preferential right of the villagers to occupation of the waste for cultivation is not denied in the passage quoted. There is therefore no remedy except expropriation of the mirasidars which would be a work of insuperable difficulty.

It would be impossible to value their preferential right, and, if it were possible, the Government questions the propriety of attempting to buy them out with the money of the general tax-payers in the interests of a particular class, and the expediency of doing so when that class is one which cannot make the best use of the land. Pariahs being usually without capital, it is not for the public advantage that they should hold more land than they can cultivate as gardens by their own personal exertions and those of their families. To carry on agricultural operations properly capital is an absolute necessity, and unless land is well cultivated it had better not be cultivated at all. The Government will, however, be prepared, as already stated in para. 5, to give such facilities as they can to Pariahs and non-mirasidars generally for obtaining land for cultivation by making small allotments to them out of the areas which have been freed from preferential rights by purchase at sales for arrears of revenue and are at the absolute disposal of Government.

(f) *"In many villages the mirasidars claim as their own the sites on which the houses of the Pariahs are built, and this claim makes intimidation easy and serves to irritate and depress. The mirasidars systematically oppose the establishment of schools for the education of Pariah children. As a result of centuries of disability and oppression, the Pariahs have now sunk into a condition of helpless degradation and the defects and vices of their social life give to their degradation a rigidity which makes all improvement appear hopeless if they continue to be left to themselves."*

The memorialists ask that the Pariahs should be granted house-sites everywhere in their own right, that sites should be granted by Government for Pariah village schools, that further provisions of a special nature should be made in the Grant-in-Aid Code for the encouragement of schools for Pariahs, and that the attention of the Local Fund Boards and Municipalities be directed to the educational needs of this community.

The question of ownership of Pariah house-sites is one of legal right, and if the mirasidars have it they can only be expropriated by compensation; they cannot be deprived of their rights, however oppressive the exercise of them may be, by mere executive order. It will suffice for Government to exercise its indisputable right to assign waste land as public poramboke to provide new sites for paracheris where wanted, and orders to this effect have been given in para. 6 above. The Government will also be prepared to assign sites for schools when satisfied as to the desirability of providing them. The last assertion, namely, that the Pariahs are gradually sinking into a state of helpless degradation, is opposed to fact, for

70 doubt that their condition is improving though slowly. The root question, as of most social questions in this country, is education. The rules and orders of the Educational Department impose no disabilities on Pariahs and other low castes, but there is no doubt that by social custom, which it is almost impossible to control, they are hustled out of schools and do not reap their proper share of benefit from the educational operations of the State. The whole question of the measures to be taken to improve the education of the low castes is under the consideration of the Director of Public Instruction and his report is awaited.

12. The memorialists also ask in para. 8 that the practice which obtains in Chingleput of the village officers collecting the rents and distraining the property of sub-tenants be disallowed by Government. It is observed that this objectionable practice has already been prohibited by the Board in its Proceedings, dated 13th May 1890, printed in G.O., dated 3rd September 1890, No. 704.

13. The memorial concludes by requesting that Government will take steps to ascertain fully and with exactness the condition of the Pariahs in the several districts of the Presidency, and will appoint a commission to carry out such an inquiry and to make recommendations for the amelioration of the condition of the Pariahs.

The whole position is so clearly known and the questions raised have been so fully dealt with in the papers read above that the Government does not deem it necessary to appoint a commission of inquiry.

14. The Right Honorable the Secretary of State will be addressed with reference to his despatch of the 23rd July 1891, No. 7.

(True Extract.)

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

To the Judicial Department.
" Educational Department.
" Board of Revenue, in all its branches.
" Secretary, Madras Missionary Conference.
" Rev. A. Andrew, Chingleput.

ENDORSEMENT—dated 30th September 1892, No. 1010 A, Revenue.

Copy to the Government of India, Revenue and Agricultural Department, with reference to its telegram, dated 25th July 1891.

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

Issued

Recd.

Encl.

G.Os., 30th September 1892, Nos.
1010, 1010 A.

SEPTEMBER.

Pariahs.—Passing orders on papers relating to the condition of the — and other low-caste sections of the population of this Presidency and to certain proposals for its amelioration.

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